DRAFT

Review of State Solid Waste Management Policies

Recommendations for Moving Maine Beyond 50% Recycling

A Report of the Maine State Planning Office
to the Joint Standing Committee on Natural Resources
122nd Maine Legislature, 2nd Regular Session

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Recommendations for Moving Maine Beyond 50%

The State Planning Office submits this report to the Governor, the Maine Department of Environmental Protection, and the Maine Legislature's Joint Standing Committee on Natural Resources in accordance with 38 M.R.S.A. §2123-B. This report outlines the State Planning Office's recommendations for planning Maine's future solid waste mangement system.

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Cover Photos:
First Lady Karen Baldacci presents a recycling poster contest award to a young artist from Bangor (2004)
Massabessic Junior high school students participate in an outdoor clean-up as part of Maine Recycles Week (1999)
A young boy takes advantage of Maine's Creative Resource Center in Portland (2005)

Cover Photo Credits: Shannon Haines, formerly of State Planning Office, and Tom Miragliulo and Bruce White, Maine State Planning Office

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Executive Summary

Convening the Task Force

State law charges the State Planning Office with planning for solid waste management and convening a solid waste task force every five years to consider policy issues (38 M.R.S.A. §2122 and §2123-B). The full statutory language appears in Appendix A.

The office convened a task force in 2005 and engaged task force members in a process to clarify the variety of perspectives on solid waste issues. This approach differs from that used in the past. Instead of seeking consensus, the office sought a full discussion from task force members on an array of policy questions in order to inform its review of solid waste management.

Task force members represented the diverse solid waste interests in Maine. A list of members appears in Appendix B.

The task force met three times in the fall of 2005 for discussion and once in the spring of 2006 to review a draft of this report. Appendices C and D provide information on the task force meeting process.

Maine's Current System of Solid Waste Management

The task force found that solid waste management in Maine has evolved into a complex system with many component parts. These components include recycling, waste processing, incineration, power generation, municipal and private landfilling, collection and transportation systems, and more. Any major change in policy would have ripple effects throughout the system, including impacting both public and private investment.

In 1989, the Legislature adopted a publicly-managed solid waste system that includes:

- Declaration of a solid waste management hierarchy
- A statewide goal to recycle 50% of municipal solid waste
- State assistance for muncipal recycling programs
- Provision for planning, policy development, and municipal technical assistance separate from regulatory functions
- A ban on new commercial solid waste disposal facilities
- State responsibility for siting and operating new solid waste disposal facilities
- Reinforcement of municipal responsibility for managing solid waste

State support for biomass boilers and waste-to-energy facilities for energy generation began in the mid-1980s when the Public Utilities Commission ruled utilities must buy electricity from alternate energy sources; the state permitted biomass boilers for cost-effective disposal capacity for paper mills and timber landowners; and federal funds became available to construct waste-to-energy facilities.

Emerging Changes

Since the establishment of the above policy framework, significant changes have occurred. These changes include:

- Continuing growth in the amount of waste generated by residents and businesses
- A growing concern over toxics contained in household products
- A growing public awareness of environmental impacts of solid waste facilities, including air and water quality, truck traffic, and aesthetic issues including visual impacts, noise and odors
- Difficulty in siting solid waste facilities
- Rising costs and increasing expertise needed to operate municipal disposal facilities
- Increasing fuel costs
- The state's acquisition and operation of Juniper Ridge Landfill
- An increase in imported solid waste
- Many public programs having maximized participation in recycling programs using current methods

These changes suggest a re-examination of Maine's current solid waste policy framework**.**

Task Force Suggestions

Task force members did not advocate major changes in the current solid waste policy framework. They did note many of the emerging changes listed above, discussed impacts of these changes, and offered suggestions for system improvements. Appendix E contains their ideas and suggestions.

Moving Beyond 50% Recycling

In the nearly 20 years since the inception of the current solid waste management system, municipalities, businesses, and residents have worked to achieve the state's 50% recycling goal, with good results. Based on the State Planning Office's calculation, which includes construction and demolition debris, we recycle 35% of our municipal solid waste. According to the U.S. Environmental Protection Agency, which excludes

construction and demolition debris, we recycle 49% of our waste. In EPA's ranking, Maine is the top recycler in the nation.

The State Planning Office believes Maine will not be able to achieve a 50% recycling goal without considerable upgrades in collection and processing methods and stronger markets for recyclables. Efforts to minimize volume and toxicity of waste also require our attention. What's more, we need to maximize waste diversion. It is time to move beyond a 50% recycling goal and view waste, not as a disposable, but as a resource.

The State Planning Office endorses moving beyond our 50% recycling goal. We can continue that goal **and** work on not only minimizing waste generation but maximizing waste diversion with the use of solid waste generated in Maine for its resource value.

Summary of Recommendations

Informed by the work of the task force, the State Planning Office offers 14 recommendations for planning Maine's future solid waste management system. The recommendations are grouped into four categories: 1) recommendations that affirm existing state policy; 2) policy recommendations, which would require a statutory change; 3) research and data collection recommendations, which require further study; and 4) programmatic recommendations, which can be undertaken by the office within existing statutory authority. Section II of the report contains a policy analysis of each recommendation.

Affirm Existing State Policy

1. Maintain the solid waste management hierarchy to guide the management of Maine's municipal solid waste in order to reduce the volume of waste requiring disposal. (No Change)

2. Maintain the 50% recycling goal. Continue to calculate and publish the statewide recycling rate using both state and federal methodologies. (No Change)

3. Keep the ban on the development of new commercial disposal facilities. (No Change)

4. Continue to support regional approaches to solid waste management. Maintain and replenish the Fund for the Efficient Delivery of Local and Regional Services as one way to fund planning and implementation of regional approaches to solid waste management. (No Change)

Policy Recommendations

Ongoing Review of Solid Waste Policy in Maine

5. Establish a solid waste advisory council to replace the current solid waste management policy review task force. The council would meet at least twice a

year and guide the State Planning Office on both policy and programmatic issues. (Statutory Change)

6. Update the waste generation and disposal capacity report section of the state plan annually and brief the Governor, Department of Environmental Protection, and Joint Standing Committee on Natural Resources on new information contained in the update. (Statutory Change)

Move Beyond 50% Recycling

7. Maintain the 50% recycling goal and add a policy statement that favors waste reduction and maximizing waste diversion with the use of solid waste generated in Maine for its resource value. (Statutory Change)

Lengthen the Trigger

8. Lengthen from four to six years the 'trigger' for the office to alert the Legislature of the need to develop state-owned disposal capacity. (Statutory Change)

Revisit Host Community Benefits

9. Revisit host community benefits to clarify the process for negotiating host community benefits. Develop a protocol for the review of community benefit agreements during their lifespan. (Statutory Change)

<u>Research and Data Collection Recommendations</u>

Quantify the Impacts of Solid Waste Policy in Maine

10. Conduct a quantitative analysis for use by policymakers of the economics of Maine's solid waste system, costs and benefits of changes to that system, and effects of change on solid waste stakeholders, including but not limited to:
    - o social, environmental, and financial costs and benefits of the current system
    - o social, environmental, and financial costs and benefits of changes to the current public and private ownership of solid waste disposal facilities
    - o costs and benefits of significantly increasing recycling
    - o the economic and environmental impacts of out-of-state generated solid waste on existing management and disposal infrastructure
    - o a comparative analysis of various methods of disposal, including what currently exists in Maine and emerging technologies
    - o effective use of state resources in managing solid waste. (Research/Study)

Reuse Construction and Demolition Debris

11. Explore options for reusing Maine-generated construction and demolition debris as a resource, including examining what other states have done. Analyze the

cost-benefit of incentives and disincentives to support the management of this material. (Research/Study)

Broaden the State's Disposal Capacity Analysis

12. Analyze the state's needs and capacity for managing waste, including:
    - cover a 25-year time horizon
    - identify and assess any regional capacity issues
    - assess volume as well as tonnage
    - assess stability and life expectancy of existing facilities
    - assess the amount and type of imported and exported waste, how it is being used, and where it is going
    - develop a protocol for responding to natural disasters
    - assess impact of recycling on disposal capacity
    - analyze recycling and processing capacity. (Research/Study)

Fund Public Recycling

13. Assess the results of state grants given to municipalities in the past, establishing benchmarks of success. Use this analysis to inform future funding proposals for public recycling programs. (Research/Study)

Programmatic Recommendations

Fund Public Recycling Education

14. Design and develop funding proposals for an on-going public education and outreach campaign on the value of recycling and composting, targeting residents and businesses statewide. (Programmatic)

I. Background

The State Planning Office is responsible for advising the Governor and Legislature on state waste management policy (5 MRSA § 3305 sub-N). It does this in three ways:

1) Developing the State Waste Management and Recycling Plan; the policy document that guides how Maine's waste is managed and how to address future waste management needs;
2) Analyzing changes in statewide solid waste generation, recycling rates, and available disposal capacity in the biennial Waste Generation and Disposal Capacity Report; and
3) Ongoing advice and counsel through testimony, study reports, and policy recommendations.

State law requires the office, at five-year intervals, to consult with those involved in solid waste management to determine whether current state policies are appropriate from their perspectives. In response to that directive, the office convened a 32-member solid waste policy review task force in the fall of 2005.

Focus of the Task Force

Given their diverse interests, finding consensus among solid waste stakeholders can be difficult; in fact, was not possible in the last task force. For the 2005 task force, the office invited diversity and asked members to help us understand their views. This task force was not asked to find consensus on issues. It was not asked to analyze data and make recommendations. It was not asked to agree on policy changes. Rather it was asked, "How do current policies affect you? How have they worked? How have they not worked? What might work better?" Our goal was to use the knowledge, expertise, and opinions of the task force members to understand how Maine's current solid waste system impacts different sectors.

To determine the topics for task force discussion, the office hired a facilitator to interview 30 solid waste stakeholders prior to convening the task force. Those interviewed raised nine policy issues of import to them:

1. Solid waste management hierarchy
2. Disposal capacity
3. Roles of state, municipal, and commercial sectors
4. Local and host communities
5. Construction and demolition debris
6. Material disposal bans
7. Recycling
8. Regional approaches to waste management
9. Public recycling education

The State Planning Office organized task force deliberations around these nine policy issues.

Consultation
During the course of the review, the State Planning Office consulted the Legislature's Natural Resources Committee. Before the first task force meeting, the office briefed the committee on the task force structure and process and afterwards informed them of the results of the first meeting (See Appendix F). The office updated the full committee on a number of occasions during the Second Regular Session. The office also consulted the Department of Environmental Protection.

Public Participation
In addition to broad representation within the task force membership, the State Planning Office sought public input. The public was invited to submit comments in writing through the mail or e-mail via the office's web site. Lastly, at each task force meeting, we provided an opportunity for the public who wished to speak.

Use of the Task Force's Work
The State Planning Office used the task force deliberations to make a number of recommendations in this report. Their discussion will also serve to inform our work as we embark on the update of the State Waste Management and Recycling Plan this year (38 MRSA §2122).

Elements of this Report
This report provides the office's recommendations for planning for Maine's solid waste management system. The recommendations are grouped into four categories: 1) recommendations that affirm existing state policies; 2) policy recommendations, which woud require a statutory change; 3) research and data collection recommendations which require further study; and 4) programmatic recommendations, which can be undertaken by the office within existing statutory authority. Section II of the report includes a policy analysis of each recommendation. Lastly, the appendices contain the task force membership, process, policy questions, and meeting notes.

II. Policy Discussion of Recommendations

Today, solid waste management is not simply a singular practice to "get rid of trash," but instead is a structured, integrated system of collection, separation, transportation, and disposal. In developing solid waste policy, a number of concerns must be balanced including environmental impacts, social behavior and needs, and economics of the system and its components.

The goal of this policy discussion is to clarify the State Planning Office's recommendations, identify issues raised by the task force, and describe how policy choices are related and how they impact one another.

In their discussions, three issues seemed to be of particular concern to task force members. These were:

1. How to increase recycling rate;
2. Overall disposal capacity in Maine and particularly the rate of land use; and
3. Movement of waste across state borders.

The State Planning Office addresses these three topics, and others, in the following pages.

Affirm Existing Solid Policies

Maintain the Solid Waste Management Hierarchy

Maine's solid waste management hierarchy promotes:

- Reduction of waste generated at the source, including both amount and toxicity of the waste
- Reuse of waste
- Recycling of waste
- Composting of biodegradable waste
- Waste processing, which reduces the volume of waste needing land disposal, including incineration
- Land disposal of waste

The hierarchy serves as a policy statement that conveys Maine's preferences for how solid waste is managed. State agencies use it as a roadmap to set priorities, make program choices, and help make investment decisions. For example, the hierarchy has driven the state's focus on removing toxics from the waste stream in recent years.

Task force members were divided, not on the value of the hierarchy, which most agreed makes sense to minimize waste disposal, but on how it should be applied. Some interpret the hierarchy in strict priority order; that is waste management systems should be implemented in the order of preference. Others view the hierarchy as integrated, where a combination of management techniques should be employed based on what

works best and most cost-effectively for the type of waste being managed. The regulated community is most concerned about the application of the hierarchy, fearing that facilities at the bottom of the hierarchy might not be permitted.

The hierarchy is typically applied at higher levels, steering state policy and overall direction. It guides the state's regulatory scheme, but it is not the basis for deciding individual permits. However, as part of the State Waste Management and Recycling Plan, the hierarchy guides the Department of Environmental Protection in making public benefit determinations on license applications for new or expanded solid waste disposal facilities.

1. ***Recommendation****: Maintain the solid waste management hierarchy to guide the management of Maine's municipal solid waste in order to reduce the volume of waste requiring disposal. (No Change)*

Maintain the 50% Recycling Goal

Maine has a statewide goal to recycle 50% of its municipal solid waste by 2009[1]. Task force members expressed concerns with the recycling goal, including how we measure it, whether it is achievable, and how it is applied.

Based on the State Planning Office's calculation, which includes construction and demolition debris, Maine recycles 35% of its municipal solid waste. According to the U.S. Environmental Protection Agency, which excludes construction and demolition debris, we recycle 49% of our waste. In EPA's ranking, Maine is the top recycler in the nation. Task force members told us that we should recognize the good job Maine is doing.

Some members of the task force view the recycling goal as a target to be achieved by a date certain. Others view it as a beacon towards which we continually strive, but may never reach. Nevertheless, the goal is becoming harder to achieve. Even as we recycle more, we generate more waste, which causes our rate of recycling to decrease each year.

Despite these complexities with the goal, it has served us well. The goal provides a benchmark by which the state can judge its progress.

2. ***Recommendation****: Maintain the 50% recycling goal. Continue to calculate and publish the statewide recycling rate using both state and federal methodologies. (No Change)*

[1] Often misunderstood, Maine's recycling goal was never intended to require individual municipalities to recycle 50% of their waste themselves, although a number of them do. This is because some of the waste generated in a town is handled in other ways such as the returnable beverage container system or recycling vendors hired by businesses to recycle office paper and corrugated cardboard. The statute directs towns to make "reasonable progress" toward the 50% recycling goal. The State Planning Office has determined that an annual 35% recycling rate is reasonable progress.

Keep the Ban on New Commercial Disposal Facilities

In 1989, the Legislature banned the development of new commercial waste disposal facilities and vested control for the management of solid waste in the public sector. This was done to guarantee future disposal capacity, increase public confidence in the siting process, ensure that facilities meet the highest environmental standards, control the importation of waste, and improve waste reduction and recycling efforts.

Task force members told us that, since this policy was put in place, state- and municipal-owned disposal facilities have put a burden on the taxpayer to develop, construct, and operate; the public sector has the same degree of difficulty siting facilities as the private sector; and advancements in technology and management practices are more accessible to private sector investors than to either the state or local governments. Despite these challenges, the ban is an important policy tool for managing waste in Maine.

3. ***Recommendation****: Maintain the ban on the development of new commercial disposal facilities. (No Change)*

Continue to Support Regional Approaches to Recycling

Sheer costs have driven municipalities to join together to manage solid waste. It drove groups of municipalities together to support the construction of four waste-to-energy facilities in the late 1970s and 1980s, as old dumps were closed. Municipal landfills are also scaled for regional operation. Of the state's nine municipal landfills in operation today, only one is not shared by neighboring municipalities.

On the recycling side, the state fostered regionalization. State grants awarded in the early 1990s gave preference to multi-municipal operations for the construction of recycling processing operations. The $12 million distributed then largely established the regional recycling processing centers that serve us today.

Despite the current level of collaboration, small recycling programs find that there are greater economies of scale to be achieved. As small regional programs look to consolidate or to bring in additional communities, there are administrative costs (legal fees, costs to develop interlocal agreements, expenses of converting systems for compatibility) that present barriers to increased regionalization.

4. ***Recommendation****: Continue to support regional approaches to solid waste management. Maintain and replenish the Fund for the Efficient Delivery of Local and Regional Services as one way to fund planning and implementation of regional approaches to solid waste management. (No Change)*

Policy Recommendations

Ongoing Review of Solid Waste Policy in Maine

There is strong public interest in waste management, which requires forums for public discussion. The Legislature created opportunities for discussion to occur in three ways:

1. as part of the State Planning Office's update of the five-year State Waste Management and Recycling Plan;
2. during legislative deliberation on the biennial Waste Generation and Disposal Capacity Report; and
3. as part of the solid waste policy review task force convened every five years.

The solid waste field is ever-changing. Task force members commented that the review of solid waste policy and disposal capacity occurs too infrequently to adequately address fast-changing solid waste issues. In addition, by the time the two-year capacity report is completed, the data on which it is based are three years old. Further, the legislative directive that the task force concentrate solely on a review of policy misses opportunities for meaningful input on program and operational issues.

5. Recommendation*: Establish a solid waste advisory council to replace the current solid waste management policy review task force. The council would meet at least twice a year and guide the State Planning Office on both policy and programmatic issues. (Statutory Change)*

6. Recommendation*: Update the waste generation and disposal capacity report section of the state plan annually and brief the Governor, Department of Environmental Protection, and Joint Standing Committee on Natural Resources on new information contained in the update. (Statutory Change)*

Move Beyond 50% Recycling

Fundamentally, waste is a failure to efficiently use resources. Addressing these inefficiencies presents an opportunity to add value to our economy. Existing businesses can save money and new jobs can be created in reuse, remanufacturing, and recycling industries. But to make this shift we need to look at our waste differently. We need to view it, not as a disposable, but as a resource.

In order to accomplish this, "waste-to-resources" has to become a fundamental strategy of state and municipal solid waste management. Collection, handling, processing, and disposal plans and strategies should be directed towards the full utilization of all materials with resource value. The state's recycling policy should reflect a goal of a broader utilization of resources.

7. ***Recommendation****: Maintain the 50% recycling goal and add a policy statement that favors waste reduction and maximizing waste diversion with the use of solid waste generated in Maine for its resource value. (Statutory Change)*

Lengthen the Trigger

Currently, the state owns a permitted, "greenfield" site, known as Carpenter Ridge, in T2 R8 outside of the Town of Lincoln for future development of a landfill if it is needed. The law requires the State Planning Office to notify the Legislature and to provide recommendations for developing state-owned disposal capacity when it determines there is four years of statewide capacity remaining. We estimate that developing the Carpenter Ridge landfill would take two full construction seasons, plus the time needed to authorize and sell revenue bonds, bid the construction process, and bid and negotiate the operations contract. Four years notice does not allow sufficient time to develop new capacity if the state faces a disposal capacity shortage.

8. ***Recommendation****: Lengthen from four to six years the 'trigger' for the office to alert the Legislature of the need to develop state-owned disposal capacity. (Statutory Change)*

Revisit Host Community Benefits

'Host community benefits' refer to compensation paid to communities that host solid waste disposal facilities.

Current law requires owners of commercial disposal facilities to negotiate *in good faith* with the municipality in which a facility is located to formulate a host community agreement. If applicable, the agreement compensates for the local costs to improve or maintain roads impacted by the facility, develop local emergency response capacity, provide for monitoring, and other impacts as determined by the owner and the municipality. There is no requirement that agreement be reached and should an one be reached, there is no provision to revisit the terms of the agreement as operations change over time.

For state-owned disposal facilities, the state is also required to compensate host communities for roads, emergency response, and monitoring. The law for state-owned facilities is more prescriptive than for commercially-owned ones in that it provides for: 1) citizen advisory committees (that include abutters); 2) abutters to be compensated for loss of property value; 3) payment in lieu of taxes to the host municipality; and 4) a dispute resolution process.

With the acquisition of the West Old Town Landfill, now known as Juniper Ridge, the state negotiated agreements with the Town of Alton and the City of Old Town. Task force members suggest that there are lessons to be learned from these experiences that can make the process clearer in the future.

***9. Recommendation**: Revisit host community benefits to clarify the process for negotiating host community benefits. Develop a protocol for the review of community benefit agreements during their lifespan. (Statutory Change)*

Research and Data Collection Recommendations

Quantify the Impacts of Solid Waste Policy in Maine

It has been nearly 20 years since the current solid waste management system was put in place. During task force deliberations, it became clear that our solid waste policies have driven the current system –a system that represents a long-term public and private investment of several hundred million dollars. The social, environmental, and financial costs of the current system or alternative scenarios are not well understood.

***10. Recommendation**: Conduct a quantitative analysis for use by policymakers of the economics of Maine's solid waste system, costs and benefits of changes to that system, and effects of change on solid waste stakeholders, including but not limited to:*

- *social, environmental, and financial costs and benefits of the current system*
- *social, environmental, and financial costs and benefits of changes to the current public and private ownership of solid waste disposal facilities*
- *costs and benefits of significantly increasing recycling*
- *the economic and environmental impacts of out-of-state generated solid waste on existing management and disposal infrastructure*
- *a comparative analysis of various methods of disposal, including what currently exists in Maine and emerging technologies*
- *effective use of state resources in managing solid waste. (Research/Study)*

Reuse Construction and Demolition Debris

Construction and demolition debris (CDD) is an evident policy issue because of the rise in demand for its wood fraction as a fuel for biomass energy facilities. There is a real and potentially large (a million plus tons) market for the wood recovered from construction and demolition projects in Maine.

What is CDD and how is it Managed?
CDD is defined in rule as solid waste resulting from construction, remodeling, repair, and demolition of structures. It includes: building materials, discarded furniture, asphalt, wall board, pipes, and metal conduits. It excludes wastes that meet the regulatory characteristics of hazardous and special wastes.

It is a difficult waste stream to track and manage because of its many components, its weight and volume, the scale of equipment needed to manage it, and the way it is commonly generated, collected, and transported.

Approximately 20 municipalities have their own CDD landfills, although capacity in those is rapidly being consumed. Other towns transport this waste in an unprocessed form for disposal at an existing commercial landfill or waste-to-energy facility.

CDD waste can be processed (meaning separating out the many marketable components and chipping the wood for fuel). There is significant processing capacity for CDD both in and out-of-state.

CDD as a Fuel Source
Maine's industrial base sees the regulated burning of the wood fraction of the CDD waste stream as as a way to reduce energy costs. The rise in demand for CDD has caused Maine companies to look out of state to meet their energy needs. This has raised concerns, expressed by task force members and others, about the importation of out-of-state waste to be used as a fuel.

The genesis of Maine's biomass energy policy was a Public Utilities Commission ruling in the early 1980s that forced the state's energy utilities to buy energy from alternative fuel sources. Further public policy support came from state permitting of biomass boilers to provide cost-effective disposal capacity for paper mills and timber landowners. Biomass boilers were fueled primarily by mill wood residue and silvaculture wood waste. Lastly, federal funds were provided to support construction of waste-to-energy facilities.

Over time, processed CDD wood waste, from both in-state and out-of-state, became available, was cheaper, and had a higher BTU value, than wood chips. Several Maine plants sought licensing amendments to allow them to accept clean, processed CDD wood waste as their fuel source and retrofitted their operations to allow them to meet air quality emissions standards.

The wood fraction of Maine's CDD is not sufficient to supply the fuel needs of the boilers operating in the state. This CDD market has led buyers, processors, and transporters to look elsewhere for additional wood fuel sources from CDD. Much of the importation of processed CDD for biomass fuel helps to support the financial viability of our paper mills and other operators of biomass boilers.

Other Markets for CDD
Other components of CDD also have resource value, especially for the construction industry. Concrete, cement, porcelain, brick, soils, sand, and rock recovered from construction and demolition projects have ready markets as aggregates. Asphalt from roads and parking lots and asphalt shingles are recovered for reuse as road base. Gypsum (sheetrock) is recycled as a soil amendment or back into sheetrock manufacture. One Maine company has developed a back-haul arrangement for municipalities where they pick up CDD components and deliver aggregate for use in town construction projects.

The challenges with reusing and recycling CDD include a lack of volumes, distances, and scales of economy to make processing and reuse cost-effective. Task force members voiced the impacts of disposal of the toxic or unreusable components of CDD

together with the affect of ash from biomass boilers burning CDD on landfill capacity as other concerns.

> ***11. Recommendation****: Explore options for reusing Maine-generated construction and demolition debris as a resource, including examining what other states have done. Analyze the cost-benefit of incentives and disincentives to support the management of this material. (Research/Study)*

Broaden the State's Disposal Capacity Analysis

The State Planning Office analyzes solid waste disposal capacity in its 5-year plan and in a biennial update to the Legislature. The office calculates the number of years of capacity remaining based on the projected consumption of existing, licensed capacity (making adjustments for increased waste generation and improved recycling) over a 20-year horizon. Many task force members feel that the state's analysis is too narrow and infrequent (also see recommendation #6).

> ***12. Recommendation****: Analyze the state's needs and capacity for managing waste, including:*
>
> - *cover a 25-year time horizon*
> - *identify and assess any regional capacity issues*
> - *assess volume as well as tonnage*
> - *assess stability and life expectancy of existing facilities*
> - *assess the amount and type of imported and exported waste, how it is being used, and where it is going*
> - *develop a protocol for responding to natural disasters*
> - *assess impact of recycling on disposal capacity*
> - *analyze recycling and processing capacity. (Research/Study)*

Fund Public Recycling

In the early 1990s, the state awarded $12 million to municipalities and regional recycling associations to establish Maine's public recycling infrastructure. In 2002, voters approved a $1.5 million bond, which was divided to fund local capital infrastructure for both recycling ($600,000) and household hazardous waste collection and storage ($900,000). As a result, the number of recycling programs in Maine grew from 60 in 1988 to over 300 today, providing recycling services to 98% of Maine's population.

While this is a worthy achievement, there is a need for new funding to support municipal recycling and hazardous waste collection. 15-year old equipment now needs replacing and local recycling programs continue to grow, often requiring expansions of facilities and equipment. Further, municipalities must now provide their residents with a means to recycle (or collect for out-of-state disposal) mercury-containing fluorescent lamps, thermometers, and thermostats, PCB ballasts, leaded televisions and computer monitors, and other hazardous materials, which the state bans from disposal.

Greater volumes and efficiencies are needed as well. Several task force members believe that to increase recycling single-stream processing centers will be needed. These centers receive unseparated recyclable materials and automated technology separates the product or material, such as glass, tin cans, paper, and plastic. This type of processing capacity is sophisticated, requires large volumes, and is costly, but savings may be realized in collection costs as well as through an increase in recovery.

In 2002, grant requests totalled over $1.1 million dollars for just the recycling portion of the bond, resulting in nearly half of the requests being unfunded. Demand for grant funds for household hazardous waste collection and storage will continue as disposal bans on “e-waste” go into effect this year.

13. ***Recommendation****: Assess the results of state grants given to municipalities in the past, establishing benchmarks of success. Use this analysis to inform future funding proposals for public recycling programs. (Research/Study)*

Programmatic Recommendations

Fund Public Recycling Education

To increase recycling rates, continuous, statewide efforts to educate the general public on solid waste and recycling issues are needed. Currently many public messages about solid waste and recycling are disseminated from divergent sources. Local education would still be required to inform residents about local requirements. Nevertheless, task force members advise that a high impact, coordinated, statewide campaign would help increase participation in local programs.

14. ***Recommendation****: Design and develop funding proposals for an on-going public education and outreach campaign on the value of recycling and composting, targeting residents and businesses statewide. (Programmatic)*

III. Appendices

Appendix A. Legislative Reference

Title 38: WATERS AND NAVIGATION
Chapter 24: SOLID WASTE MANAGEMENT AND RECYCLING (HEADING: PL 1995, c. 465, Pt. A, @26 (rpr)
Subchapter 2: SOLID WASTE PLANNING (HEADING: PL 1995, c. 465, Pt. A, @32 (rpr))

§2122. State waste management and recycling plan
The office shall prepare an analysis of, and a plan for, the management, reduction and recycling of solid waste for the State. The plan must be based on the priorities and recycling goals established in sections 2101 and 2132. The plan must provide guidance and direction to municipalities in planning and implementing waste management and recycling programs at the state, regional, and local levels.

1. Consultation. In developing the state plan, the office shall consult with the department. The office shall solicit public input and may hold hearings in different regions of the State.

2. Revisions. The office shall revise the analysis by January 1, 1998 and every 5 years after that time to incorporate changes in waste generation trends, changes in waste recycling and disposal technologies, development of new waste generating activities and other factors affecting solid waste management as the office finds appropriate.

§2123-B. Review of policy
In conjunction with revisions of the [State Waste Management and Recycling] plan as determined appropriate by the office, but no less often than once every 5 years, the office shall establish a broad-based task force, including representatives of groups interested in solid waste management policy. During the course of its study, the task force shall consult with members of the joint standing committee of the Legislature having jurisdiction over natural resources matters.

The task force shall review state solid waste management policy, including:

- the timeline and establishment process for the development of a state-owned solid waste disposal facility;
- host community benefits;
- the development of commercial solid waste facilities and the economic competitiveness of commercial facilities;
- the appropriateness of developing regional disposal facilities to better serve municipalities and businesses;
- the continued development and expansion of beneficial reuse and recycling; and
- the proper role of municipal zoning and other local control in regard to siting, expansion and operation of solid waste disposal facilities;

and shall report its findings and recommendations to the Governor, the Department [of Enviromental Protection], and the joint standing committee of the Legislature having jurisdiction over natural resource matters. [1999, c. 527, §1 (amd).]

Appendix B. Task Force Members

John Adelman, President
Commercial Paving & Recycling
Scarborough, Maine

Jeff Austin, State & Federal Relations
Maine Municipal Association
Augusta, Maine

Peggy Daigle, City Manager
City of Old Town
Old Town, Maine

Mark Draper, General Manager
Tri-Community Landfill
Fort Fairfield, Maine

Steve Dyer, Town Manager
Town of Oakland
Oakland, Maine

Will Everitt, Associate Director
Maine Toxics Action Center
Portland, Maine

Gloria Frederick, for the Selectmen
Town of Norridgewock
Norridgewock, Maine

Chris Hall, Executive Vice President
Maine State Chamber of Commerce
Augusta, Maine

Victor Horton, Executive Director
Maine Resource Recovery Association
Bangor, Maine

Jerry Hughes, Recycling Manager
City of Bangor
Bangor, Maine

Joe Kazar, Executive Director
Mid Maine Waste Action Corporation
Auburn, Maine

Fergus Lea, Planning Division Director
Androscoggin Valley Council of Govts
Auburn, Maine

Lee Leiner, Solid Waste Director
City of Bath
Bath, Maine

Susan Lessard, Town Manager
Town of Hampden
Hampden, Maine

William Lippinicott, Representative of
Hampden Citizens Coalition
Hampden, Maine

Greg Lounder, Executive Director
Municipal Review Committee
Bangor, Maine

Jeff McGown, District Manager
Waste Management, Inc.
Norridgewock, Maine

Don Meagher, Planning & Development
Casella Waste Systems, Inc.
Hampden, Maine

Troy Moon, Solid Waste Director
City of Portland
Portland, Maine

Stefan Pakulski, Town Manager
Town of Readfield
Readfield, Maine

Peter Prata, General Manager
Penobscot Energy Recovery Company
Orrington, Maine

Kevin Roche, General Manager
Regional Waste Systems
Portland, Maine

Laura Sanborn, Representative of
We The People
Milford, Maine

Ron Smalley, President
Plan-It Recycling & Transfer, Inc.
Gorham, Maine

Paul Therrien, Waste Management Commission
City of Biddeford
Biddeford, Maine

Barry Tibbetts, Town Manager
Town of Kennebunk
Kennebunk, Maine

Filomena Troiano, CEO
Troiano Waste Services
Portland, Maine

Sarah Wojcoski, Recycling Coordinator
City of Saco
Saco, Maine

Paula Clark, Director
Solid Waste Management
Department of Environmental Protection

George MacDonald, Manager
Waste Management & Recycling Program
Maine State Planning Office

Susan Inches, Deputy Director
Maine State Planning Office
Augusta, Maine

Sam Morris, Senior Planner
Waste Management & Recycling Program
Maine State Planning Office

Appendix C. Task Force Structure and Process

Goals:

The State Planning Office solicited input from task force members and the public on these topics:

- Identification of solid waste issues of concern
- Perceived problems with current state policy
- Impacts of those problems on residents, industry, and the state
- Possible policy changes to address those problems
- Impacts of those possible policy changes on residents, industry, and the state
- Identification of additional information or data needed to expand understanding of these issues

Assessment Report:

Prior to convening the task force, the office hired a facilitator to interview 30 people interested in solid waste. We designed the interviews to identify common themes, which could be used to facilitate the task force's work. Following the interviews, the facilitator summarized the findings in an assessment report (see Appendix D). The report outlined the nine policy issues that were of most importance, based on the interviews, to Maine's solid waste community. Prior to the first meeting, the office provided task force members with the assessment report. The office based task force meeting agendas on these issues.

Interviewees were also asked if they would be interested in serving on the task force.

Participation:

The State Planning Office selected 32 people to serve on the task force representing a cross-section of solid waste management programs and sectors. The Office sought an appropriate and representative balance between the various parties identified and interested in serving. Others were welcome to attend task force meetings or to submit comments through the State Planning Office's Web site.

The office structured task force meetings to provide as much opportunity for individual comment and group discussion as possible. Various methods were used including; roundtables, small group discussions, multi-voting, and public comment periods.

Meeting Organization:

The office held three all-day meetings between September and December of 2005. An additional task force meeting, held in spring 2006, provided members an opportunity to offer comments on a draft report and recommendations prepared by the State Planning

Office. Prior to the first meeting, task force members were provided the assessment report, which identified the issues they had identified as most important for the task force to discuss.

Through a facilited discussion, task force members, along with members of the public who attended the meetings, offered their opinions on these policy areas and provided the Office with an understanding of how each of the policies impacted them.

No concerted effort was made to achieve consensus on the topic areas but instead, the Office focused on listening to concerns and understanding where policy may be impeding progress or where policy should be adjusted to further encourage effective solid waste management.

Legislative Briefing

The statute requires the State Planning Office to consult with the Legislature's Natural Resources Committee. In September of 2005, the Office briefed the committee on plans for the task force and on information gathered from the assessment report.

Report and Outcome:

The task force provided the State Planning Office with a wide range views on the environmental, economic, and social impacts of current state policies and the impacts of possible changes to those policies. The Office used the work of the task force to develop its recommendations for the Governor, Department of Environmental Protection, and Legislature.

Appendix D. Assessment Report

IDENTIFICATION AND ASSESSMENT OF SOLID WASTE ISSUES RAISED DURING THE INTERVIEWS

EXECUTIVE SUMMARY

This identification and assessment report is based on a series of interviews conducted by Jeff Edelstein of Edelstein Associates, under contract to the Maine State Planning Office, by phone or in person between July 15, 2005 and August 19, 2005, with approximately 30 individuals or organizations involved with and/or interested in solid waste management. This assessment was conducted to collect and provide background information for the convening of a solid waste task force in September of 2005. The statutory requirements for this task force and a list of the categories of people interviewed can be found at the end of this report.

The interviewees indicated that there are a number of solid waste management policy issues that merit review, particularly in light of two factors:

- Possible changes in technology, knowledge and Maine circumstances that have occurred since the enactment of the Maine Hazardous Waste, Septage and Solid Waste Management Act in 1979, and development of ensuing regulations (and additional legislation) over the following 26 years.
- Significant recent or pending changes in disposal capacity in Maine (West Old Town, Lewiston, Maine Energy, and/or others).

Based on the interviews, the following are the major categories of concern that were identified regarding solid waste management policy in Maine:

- Solid Waste Hierarchy – how and when is it applied? Should the hierarchy be reviewed relative to current technology, state of knowledge and Maine circumstances?
- Disposal Capacity – what will the impacts be of new capacity at West Old Town, Lewiston, and possibly other commercially-operated facilities? Are current state policies regarding importation of out-of-state waste appropriate?
- Roles of state, municipal and commercial sectors – are the roles played by these sectors optimized to leverage their strengths?
- Local communities – do these communities (including host communities) have the appropriate degree of control and compensation?
- Construction and Demolition Debris – what should be done to improve management of this material?
- Material bans – are these being developed based on best available science? How can the burdens imposed by these programs be mitigated?
- Recycling – how can recycling rates be increased?
- Regional approaches – how can the state appropriately foster these?
- Public education – identified as an important need for solid waste and recycling issues.

TASK FORCE STRUCTURE

Task Force Goals:

Utilize input from Task Force members and others to assist the State Planning Office in its assessment of:

- Identification of solid waste issues of concern
- Perceived problems with current state policy
- Impacts of those problems on stakeholders and the state
- Possible policy changes to address those problems
- Impacts of those possible policy changes on stakeholders and the state
- Additional information and data needed to inform decision-making on these issues

Participation:

The task force will be made up of appointed members representing a cross-section of solid waste management programs and sectors, attempting to strike an appropriate balance between adequate/proportional representation and the need to keep the group at a manageable size. Any other interested parties are welcome to attend task force meetings. The task force process will attempt to operate in a manner that allows any interested party to participate in all discussions. The benefits of this approach are:

1) It allows for the introduction of the broadest array of ideas and information, increasing the opportunities to develop solutions to the policy questions.
2) It maximizes the involvement of diverse representatives within each waste management sector, ensuring accurate representation of each sector's interests.

For the purposes of efficiency, task force deliberations will be conducted in a manner that avoids redundant discussions by multiple representatives of identified sectors, while allowing the introduction of diverse viewpoints. If this approach proves to be unwieldy, then the task force will limit discussions to appointed members, with separate time allotted for input from other interested parties. All interested parties will be asked to identify their affiliations and involvement with solid waste issues, in order to attribute their input to the appropriate participant category. It should be noted that the task force will not be making recommendations by vote (see decision-making process below).

Expected decision-making process, task force report, and attribution:

The primary focus of the task force will be to provide SPO with valid information about the environmental, economic, and social impacts of current state policies and the impacts of possible changes to those policies. If/when there is disagreement on the impacts of a particular policy, the task force will attempt to identify mutually-acceptable methods to determine the impact(s). The task force report will present the differing viewpoints of the various solid waste management program or sectors regarding policy impacts, as well as any subsequent assessment by SPO of policy impacts. A secondary focus of the task force will be to assess the acceptability to the various solid waste management sectors of potential policy changes. The task force report will present the various viewpoints of the participants regarding possible policy changes and will identify any policy changes that have broad support.

Scope of the Task Force's Mandate:

SPO will consult with the joint standing committee of the Legislature on Natural Resources during the course of the task force effort.

Listed below are more detailed descriptions of interviewee comments on the issues summarized above. It should be strongly noted that because the comments are intended to accurately convey each person's perspectives, the comments have not been checked or revised for factual accuracy. The order of the issues is based on the author's judgment of the overall importance expressed by the interviewees. The order of the comments within each category is not based on importance to the interviewees. At the end of each category are listed the policy questions that are raised by their comments.

Solid Waste Hierarchy (Reduction, Reuse, Recycling, Composting, Volume Reduction, Land Disposal)

Interviewee Comments:

- At time the hierarchy was developed, energy prices were higher, interest in volume reduction was high. Now, some of Maine's WTE plants are approaching design lives and landfills are achieving increased energy recovery, increased control of leachate and increased volume reduction.
- Hierarchy should take into account broad environmental impacts, including energy and climate change considerations, and long-term risks and monitoring needs.
- Past investment decisions in waste-to-energy facilities were made based on the solid waste hierarchy.
- Landfilling versus incineration is a situational issue; other states have done a good job looking at the system as an integrated whole, rather than a hierarchical approach.
- Mass-burn incineration facilities should be assessed separately from with refuse-derived-fuel facilities.
- There is no existing comprehensive scientific analysis of the environmental impacts of incineration versus landfilling.
- A stronger affirmation of the hierarchy and a unified voice on the hierarchy between DEP, SPO, other state agencies the legislature and municipalities is needed. Without this, use of recycled materials is not reaching its full potential.
- The hierarchy should be revisited – what are the reasons for recycling, are they still valid?
- Subjectivity and lack of predictability inhibit investments in recycling and reuse.
- It is not clear when the hierarchy is applied in state and municipal policymaking and permitting

Policy questions:

What problems currently exist regarding the role of the hierarchy in policymaking, permitting and other activities?

Should the role of the hierarchy in policymaking, permitting or other activities be changed; more frequent usage, less frequent usage, greater certainty and predictability about usage of the hierarchy?

Should the hierarchy be revised, such as moving landfilling to be equal to or higher than incineration?

Disposal Capacity

Interviewee Comments:

- Concern that airspace is a precious commodity with long-term value and shouldn't be used for construction and demolition debris or out-of-state waste (some stakeholders expressed that some out-of-state waste should be allowed, but only as much MSW as is needed to augment WTE facility fuel needs or as much CDD as is needed to produce boiler fuel). Suggested that there should be a surcharge on MSW going to landfills, instead of the current system in which fees are charged for WTE residuals going to landfills.
- Concern about the definition of out-of-state waste at West Old Town landfill, particularly unburnable residue from CDD, Front-end Process Residue from WTE facilities and "by-pass" from WTE facilities.
- Concerns about the impact that increased commercially-operated landfilling (Lewiston, West Old Town) will have on publicly-owned waste-to-energy or landfill facilities by pulling waste away from these facilities, some of which have significant sunk costs. Lower tip fees at these facilities may allow short-term savings to waste generators (municipal and private), but could increase long-term uncertainty and risk.
- Concern that if a publicly-owned facility shuts down, due to communities choosing short-term lower tip fees elsewhere, then it could be impossible politically to restart that facility at a later date.
- Some publicly-owned facilities have made policy decisions based on assigning value to long-term conservation of airspace (such as increased recycling, even if more expense than current disposal costs).
- Interest in using the public benefit determination more frequently.
- Interest and concern about increased control of disposal capacity by private companies.
- Concern that vertical increases in landfill airspace are not given as much regulatory scrutiny as footprint expansions.
- Concerns about where southern Maine waste will go if Maine Energy is closed.
- Maine has enough unpopulated areas that future facilities can be sited away from people.

Policy questions:

What are the short and long term impacts of using public and private airspace for CDD and out-of-state waste? Should the state change its policies in order to preserve long-term airspace?

What are the short and long term impacts of the potential increased capacity from West Old Town, Lewiston, and other possible facilities? If lower tip fees (either short or long-term) for newly-available airspace at these facilities will draw waste away from existing public-owned disposal facilities, should the state play a role to influence the impact on these existing public-owned facilities?

What are the short and long term impacts of the possible closure of Maine Energy?

Should the restrictions on development or expansion of commercial solid waste disposal facilities be maintained as is, tightened, or relaxed?

Is there a compelling interest for the state to help keep the eight municipal landfills open?

Is there a compelling interest for the state to help keep publicly-owned waste-to-energy facilities open?

Should the public benefit determination be used to a greater degree?

Is there a need for generic facility siting criteria?

Should the state pursue the development of a state-owned landfill in Southern Maine?

Roles for state, municipalities, and commercial sectors

Interviewee comments:

- Concern that the roles of these sectors are not aligned for the best interests of the state.
- Concern that some publicly-owned facilities were built based on the policy of no new commercial solid waste disposal facilities and that recent events have eroded that policy and will negatively impact some publicly-owned facilities.
- Concern that the economically rational strategy for commercially-operated landfills is to fill them as quickly as possible.
- Interest in having the state work more closely with local communities that host solid waste facilities.
- Concern about oversight of state-owned facilities in which the state is also the regulator.
- Need to revisit the roles of the state agencies: planning, regulatory, data collection, funding.
- DEP should be more of an “environmental police force”.
- Concern about how to keep DEP staff’s relationships with the regulated community from influencing the effectiveness of DEP regulatory enforcement.
- Interest in maintaining consistency and predictability in state policies among agencies and the legislature.
- Concern that the legislature can ignore agency policies.
- State should be collecting more fees on materials going into West Old Town and possibly other locations, to support state solid waste activities.
- Concern that the $25/ton fee to DEP for aggregate from CDD processing could influence policy decisions regarding out-of-state CDD.

Policy questions:

In what ways, if any, could the roles played by the state, municipal and commercial sectors be modified to leverage the strengths of each sector to the greatest advantage of the state?

Host Communities

Interviewee comments:

- Host communities should have an independent environmental review body.

- State statute leaves host community agreements undefined – would help to define better.
- Facilities should not be allowed to operate until host community agreement finalized.
- Interest in giving host communities the authority to issue cease and desist orders.
- Interest in a system like Massachusetts where local Board of Health has certain approval authority for solid waste facilities.
- Interest in allowing municipalities to be stricter than the state in solid waste regulation; it was expressed that this is the norm in all other areas of regulation in Maine.

Policy questions:

Should the role of host communities be more clearly defined and should the authority and rights of host communities be changed?

Construction and Demolition Debris (CDD)

Interviewee comments:

- CDD shouldn't be landfilled.
- Creating lower cost options for disposal of CDD is important for the state's economy.
- CDD that originates outside of Maine should be considered out-of-state waste.
- CDD shouldn't contain any MSW.
- Concern that national landscape is going opposite to Maine – NH did a moratorium on burning CDD; Massachusetts banned landfilling of CDD.

Policy questions:

Are state policy changes needed to address CDD management?

Material Bans

Interviewee comments:

- Concern that bans are not based on highest degree of risk or best science – an overall statewide prioritization and strategy should be developed to determine which materials are most problematic in the waste stream.
- Household hazardous waste and universal waste are unfunded mandates that drive up the cost of municipal operations.
- Administrative costs to handle universal wastes are high – determining manufacturer, serial numbers, etc.

Policy questions:

Are state policy changes needed to improve the approach to problem materials in the waste stream?

Recycling

Interviewee comments:

- Interest amongst many interviewees to increase recycling.
- Increase the use of market-based approaches.
- Increase the use of incentives.
- Give lower tip fees for solid waste disposal to communities with higher recycling rates.
- Increase the use of regional approaches.
- Increase opportunities for apartment dwellers.
- Increase amount of recycling from the business sector.
- Increase composting, such as food waste – "can't achieve 50% goal without doing this" "last frontier, need more public education".
- Single-stream recycling will increase quantities.
- More public education at state level.
- Provide more technical assistance to solid waste and recycling program operators, such as workshops on marketing approaches, roundtable discussions on topical issues, etc.
- More creative economic-based approaches to reaching the 50% goal should be developed.
- Look to other countries (examples given of New Zealand and Halifax, Nova Scotia) for methods to increase recycling.
- Examine lessons from Maine communities – look at communities with recycling rates in the top 10% and bottom 10% in Maine to see what has worked and what hasn't.
- Other states have done better – result of leadership and bringing state agencies together.
- Collect fees on MSW disposal to support recycling, battery collection sites, etc.

Policy questions:

Are state policy changes needed to address recycling?

Regional Approaches

Interviewee comments:

- There are not enough incentives or penalties to move communities towards regional solutions.
- Host community benefits should be developed for creating regional facilities.
- Regionalization grants should be made available to others besides municipalities.
- Regional household hazardous waste programs would be beneficial, by allowing for more frequent collection of materials.

Policy questions:

Are state policy changes needed to address regional approaches?

Public Education

Interviewee comments:

- Increased public education by the state is needed on solid waste issues and recycling (repeated by a number of stakeholders).

Policy questions:

Are state policy changes needed to address public education?

Other issues

- Waste that is classified as hazardous in other states is entering Maine and being classified non-hazardous here.
- No accounting is done of industrial wastes, such as sludge, chemicals, etc.
- Interest in increasing the accuracy of SPO's quantity tracking data.
- Overweight trucks are having a negative impact on Maine roads and are causing the state to lose fuel tax revenues.
- Waste-hauling trucks should not be exempt from air emission standards.

Policy questions:

Are state policy changes needed to address these other issues?

Assumptions/realities (proposed by interviewees)

- No such thing as a 100% emission-free incinerator
- No such thing as a 100% problem-free landfill
- No such thing as a waste-free society
- Maine has 4 waste-to-energy plants (2 publicly-owned, 1 public/private partnership, 1 privately-owned) that owe $140 million
- Courts have found it unconstitutional for states to prohibit the importation of out-of-state waste into commercial solid waste and recycling facilities.
- Flow-control may be constitutional when a disposal facility is publicly-owned

Appendix E. Task Force Meeting Notes

SOLID WASTE MANAGEMENT POLICY REVIEW TASK FORCE MEETING ONE - NOTES & SUMMARY

10:00am-4:00pm, September 27, 2005
Augusta Elks Lodge, Augusta, Maine

Task Force Members Present: Lee Liner; Mark Draper; Troy Moon (for Mike Bobinsky); Steve Dyer; Stefan Pakulski; Jerry Hughes; Jeff Austin; Chris Hall; Joseph Kazar; Peter Prata; Kevin Roche; Don Meagher; Jeff McGown; John Adelman; Ron Smalley; Gloria Fredrick; Paul Therrien; Peggy Daigle; Sarah Wojcoski; Susan Lessard; Greg Lounder; Fergus Lea; Victor Horton; Laura Sanborn; William Lippincott; Will Everitt; Don Gallagher; Paula Clark; Sue Inches; Sam Morris; George MacDonald

Members of the Public Present: David Littell; George Criner; Mark St. Germain; Juliet Browne; Cathy Lee; Jody Harris

Facilitators: Jeff Edelstein, Ona Ferguson.

Others in Attendance: Aimee Dolloff

I. OVERVIEW OF TASK FORCE AND SOLID WASTE MANAGEMENT

Welcome

Sue Inches, Deputy Director of the Maine State Planning Office (SPO), welcomed the group on behalf of the SPO and thanked everyone for their willingness to participate in the preparatory assessment and in the task force's meetings.

Sue explained that the goals of the task force are to gather information and identify important and critical issues. She explained that the group at the table represents a diverse set of interests and the purpose of the task force is to elicit and understand the diversity of opinions on Maine's solid waste policies. That information will inform the written recommendations that the SPO will provide publicly to the Natural Resources Committee of the Maine Legislature. Sue stated that the SPO is hoping the task force will identify issues that are most critical, and that the tremendous knowledge in the room will enable the SPO to see "the whole picture," to understand the various impacts that state solid waste policy has on the ground, and to identify additional data needs.

Task Force Overview

Jeff Edelstein described the background and planned task force process. The goals of the task force are to hear a diversity of perspectives in order to: (a) identify key issues; (b) identify perceived problems; (c) understand impacts; (d) suggest policy changes and assess the impacts of those changes; and (e) identify additional information needed.

In July and August of 2005, Jeff conducted an assessment on 30 confidential interviews with individuals and organizations, identified by SPO, who were involved with solid waste management. The assessment identified nine areas to be the primary focus of this task force, and was intended to help the task force

make the best use of its time by enabling the group to narrow in quickly on those issues of greatest importance to the group. These are:

(1) the solid waste hierarchy;
(2) disposal capacity;
(3) the roles of state, municipal and commercial sectors;
(4) local communities;
(5) construction and demolition debris;
(6) material bans;
(7) recycling;
(8) regional approaches; and
(9) public education.

These nine areas, which were identified as the primary areas of concern to those interviewed, will shape the agendas of the task force meetings. The goal for this first meeting is to discuss Maine's solid waste hierarchy; the top priority of those interviewed. Three task force meetings are scheduled. Task force meetings are open to the public, and will include time for public comment. In addition, SPO will consult with the Legislature's Natural Resources Committee during the task force process.

Participants were then invited to introduce themselves, and to say (a) what they would like to see come out of the process and (b) what they bring to the process.

Solid Waste Presentation

George MacDonald of the SPO gave an overview of the status of solid waste management in Maine, including other current related task forces and bills in the legislature. There is currently one solid waste management related task force, which is investigating the feasibility of a buy-out and eventual closure of the Maine Energy waste-to-energy facility in Biddeford. It has had three meetings to date, all well attended.

Three bills related to solid waste were held over from the last legislative session:

- **LD141** –to ban landfilling or incineration of construction and demolition debris originating from structures from out of state.
- **LD 1669** – to authorize a timeline and certain host community benefits for city of Old Town
- **LD 1578** – to ensure protection and benefits to communities hosting waste-to-energy facilities

Task force members asked the following questions:[2]

- *Was bill 880 killed, which would have limited the landfilling of bypass waste and would have required the adoption of rules to ensure that landfilling is not the primary means of disposal of municipal solid waste?* The bill was killed.
- *What happened to the tire tax fee bill?* It was passed as a resolve requiring DEP to report back by January of 2007 on alternative sources of revenue that could be implemented to replace the $1/tire fee. The report is to include an evaluation of possible alternative funding mechanisms, including new or revised fees on solid wastes (inc. special wastes), consumer products sold, and solid waste facilities and licenses, as well as recommendations concerning funding mechanisms.
- *Should there be a placeholder for bills from this task force?* SPO has submitted a placeholder bill, should legislation be an avenue for any of its recommendations.

[2] In this and other bulleted lists of questions and responses, 'italicized' indicates comment made by task force member and 'plain text' comments were SPO responses unless noted otherwise.

The current Maine solid waste policies were, for the most part, adopted in 1989. We now have four waste-to-energy facilities in operation. Since that time, new commercial disposal facilities have been banned. At that time, the goal of 50% recycling was set, though recycling programs were only available to approximately 16% of the population. Much of the infrastructure in place today was in place then with the exception of recycling infrastructure. Since then, the state has closed town dumps to have communities provide programs with less environmental impacts and to reduce the number of sites for managing waste generated in the state of Maine.

Today there are approximately 250 transfer stations in Maine, and most communities work in cooperation with other communities to dispose of waste. Some communities send waste out-of-state or country, but most use disposal facilities in-state. George displayed a map showing where municipal waste in Maine was disposed of in 2003, which is the most recent data available.

In 2003, 2,020,000 tons of waste were generated in Maine, of which 157,000 tons of waste were exported (to other states or Canada) for disposal. Also, 447,000 tons of waste were imported for disposal in Maine, most of which originated in other New England states.

In 1989, few communities had recycling programs. Now almost all communities do. Nearly half of Maine communities work with at least one other municipality to offer recycling programs, and the State-wide recycling rate is Maine is 35%. The state goal is to recycle 50% of waste, and to reduce solid waste by 5% biennially. The SPO recognizes that some of the difficulty in attaining these goals results from the fact that these goals are State goals and not municipal goals. The 50% level was chosen 16 years ago, and the state is still working towards that. In the past few years, the SPO has been working to reduce the toxicity of waste streams in Maine, in conjunction with efforts by the Department of Environmental Protection, created by the banning the disposal of certain items.

Municipalities are responsible for providing solid waste disposal. The state ban on new commercial disposal facilities remains in place, which means that the state or municipalities (or regional public entities) are the only possible owners of new disposal facilities in Maine.

The task force had some questions and comments:

- *Where did the solid waste hierarchy come from? Was establishing hierarchies a national trend? What was its purpose?* In the mid-1980s, people nationwide got very concerned with managing solid waste. Within the New England states, there were parallel efforts on how to deal with different waste streams with similar, although not identical, development of hierarchies in the various states. Maine was one of the states that put composting as a separate item in its hierarchy, while other states considered that part of recycling. Recycling has gone on extensively since WWII. In Maine, we were reaching landfill capacity in the 1980s, which led to interest in reducing the volume of materials going to landfill through incineration (which also had the benefit of energy recovery) and increased recycling. Another task force member noted that DEP put tremendous pressure on municipalities to close landfills, which also drove the pressure for solutions such as incineration and increased recycling.

- *A task force member noted that in the 1980's there was a desire to have siting decisions made by the state and the public sector rather than by commercial landfills. As it turns out, it was just as hard for the state to get buy-in from local communities regarding siting of landfills as it had been for commercial entities, so siting has been difficult no matter what type of organization was doing it.* In the 1980s, this discussion of landfilling and incineration rose to a level where it became a policy issue in Maine. In response, a state agency, the Maine Waste Management Agency, was created to handle facility siting, in addition to providing planning for waste management needs

and encouraging implementation of the hierarchy. Fiscal pressures in the mid 1990s led to that department being disbanded and most of its functions were placed within the SPO.

II. THE SOLID WASTE HIERARCHY

A discussion of the solid waste hierarchy occupied the rest of the task force meeting. To establish the context for the discussion, SPO and DEP explained how the hierarchy is used by their respective agencies.

SPO and DEP Application of the Hierarchy

George MacDonald stated that the hierarchy serves as a roadmap for how SPO works with communities and businesses across the state. It guide's the SPO's focus on the 3Rs (Reduce, Reuse, Recycle) in technical and financial assistance to municipalities, as well as in outreach and education. It helps determine what types of projects SPO will give money for. Recently, the SPO has been providing assistance to municipalities for reducing landfill volume and waste toxicity, and building facilities to help manage mercury-containing products and universal waste such as cathode-ray tubes (CRTs). Through regional efforts, such as the Northeast Recycling Council, SPO is promoting waste reduction with business and industry. In terms of reuse, SPO is helping communities construct facilities such as swap shops that help facilitate reuse. The State has provided communities with over $12M in grant monies over the past 13 years to increase recycling rates by assisting public programs with infrastructure, equipment, and buildings. Current law requires that businesses with 15 or more employees at a location to recycle corrugated cardboard and office paper. Composting is one of the last frontiers to be implemented large-scale, and the recently started Sandy River Recycling Association/Town of Farmington's mode of food waste recycling for institutional food discards may become the model from which other municipalities can learn.

Paula Clark of DEP stated that there is no prescribed way DEP must follow the hierarchy in managing solid waste programs in Maine, though DEP considers it in several ways. It informs how DEP makes program choices and priority setting. Examples of program emphasis in response to the hierarchy include the Beneficial Reuse Task Force, (which looked specifically at beneficial reuse and how the state might facilitate such reuse), the agronomic reuse program (which accounts for the highest volume of reuse in the state), electronic waste management, reduction of mercury-containing products, and product stewardship issues. Maine has also led in composting, including fish and seafood and animal carcass composting.

Review of the Hierarchy section of the Assessment Report:

The group reviewed the "Interviewee Comments" section of the Assessment Report and provided the following comments, revisions, and additions:

- Re: bullet 1:
  - The statement that energy prices were higher when the hierarchy developed may not be the case
  - Volume reduction coming into facilities isn't decreased; rather what is happening inside the facilities is decreasing waste volume.
- The development of the hierarchy in the 1980's is "ancient history" in the solid waste industry, which has changed significantly since then.
- The incinerator life cycle estimates may not be accurate. All plants estimate a life expectancy of 20-25 years from now at a minimum. Estimates from waste-to-energy facility representatives were: MMWAC: 20-50 years, PERC: indefinite due to capital improvements, ME: indefinite due to capital improvements, RWS: indefinite due to capital improvements, noting that an independent audit estimated 2030 for equipment and that financing will be done in 2014

- Add: the trend of landfills taking in much more waste than they did in 1988.
- Add: there was never a consideration that there wouldn't be landfills in Maine
- Add: economic considerations need to be included.
- Add: all items on the hierarchy should be recognized as necessary components of solid waste systems. It should be seen as more of a system, as it is in other states. Occasionally people have falsely interpreted the hierarchy to mean that you shouldn't fund or support those items low on the hierarchy. They may see having landfills as failure, when in fact it is a necessary part of a system.
- The hierarchy does have an impact, and shouldn't be seen as sacred or fixed.
- I don't think the legislative committee expects the task force to propose changes to the hierarchy.
- Add: economic influences and the market have an effect on how the hierarchy is used and to what extent it is or is not effective.
- Add: the hierarchy does not exist in a vacuum. It influences the other topics of the task force and vice versa.
- Add: we think that discouraging disposal will increase recycling, but that isn't so.
- We should be thinking about "resource" management, not "waste" management; this is a broader more integrated view.

Predominant Themes

Within the discussions about the hierarchy, the following were recurring themes:

Purpose, Application and Impact: The hierarchy makes sense if its purpose is to minimize disposal of solid waste. The 3Rs are good. When something is disposed of on the land, it means we have wasted it by not capturing more value from it and also wasted the land it is stored on. Some participants wanted to know the volume reduction in incinerators. Those representing waste-to-energy facilities agreed that their facilities achieved approximately 80-90% volume reduction, which was noted by many as a significant success for the hierarchy.

Many people stated that the concern about the hierarchy isn't debate over its structure but rather over how the hierarchy is applied and how the pieces work together. Some noted a desire for more guidance on why the hierarchy exists and how it is to be used. Others noted a lack of integration among the pieces of the hierarchy, and stated that if options low on the hierarchy are being used, it should be after first having explored the possibilities of using the top strategies (the 3Rs). They noted that the fact that Maine is opening new landfills while not reaching state recycling goals suggests that something isn't working.

There was a range of opinions regarding the impact of the hierarchy. One participant stated that application of the hierarchy has been important, and that changing the hierarchy now could confuse the public. The question was posed about how things would be different if there were no hierarchy. DEP stated that if the hierarchy didn't exist, it would not change their program choices because the priorities in the hierarchy make good environmental sense. SPO stated that the absence of the hierarchy would leave them without consistent integrated goals. Several participants noted their appreciation to the SPO staff and their work that supports municipal activities. Municipal participants said they would continue to pursue recycling because it makes economic sense. A common theme expressed was that individuals and businesses make their decisions based more on economics and ease than on the hierarchy itself. One participant expressed that without the hierarchy, there would now be lots more landfills. Lastly, a participant stated that there is no objective way to measure the effectiveness of the hierarchy, and that the SPO Capacity Report, which shows waste increasing in Maine provides one answer to the question of effectiveness.

3Rs/Incineration-Landfill Split: One participant asked whether perhaps peoples' concerns regarding the hierarchy are primarily about the rank ordering of incineration or landfilling, not a concern about any of the top items on the hierarchy. There seemed to be general agreement that the 3Rs should remain as the highest priorities, and everyone wants to see performance rates for the 3Rs increase. Other participants responded that level of concern on which item is ranked where depends on how the hierarchy is used, and that if it is applied more consistently, people might care more about the order of the top three as well.

Economics: To bring recycling rates to the 50% goal, there have to be both regulations and incentives for municipalities to grow their recycling programs. Businesses are often more on-board than homeowners on recycling, so more economic incentives to encourage this desired behavior would be beneficial. Because we can see that waste isn't all flowing where we'd like it to, resources need to be devoted differently to make improvements. The prioritization of the 3Rs in the hierarchy isn't nearly as significant as bottom line costs. When we look at what is working, we see that the answer is dependent on cost. If it costs more to recycle than not to, people and municipalities and businesses will choose not to recycle. When the cost of recycling decreases, people are happy to recycle.

GROUP ASSESSMENT AND ANALYSIS OF THE HIERARCHY

The bulk of work on the hierarchy occurred in the form of group brainstorming and group evaluation of ideas listed on flip charts in front of the task force by the facilitators. The notes captured on the flip charts are recreated here.

WHAT IS WORKING WITH THE HIERARCHY?

- The waste to energy facilities have decreased waste volume going into landfills.
- Expectations and public understanding.
- Solid waste reduction is much better than in 1988 before the hierarchy.
- Businesses have incentives.
- The program is working, all the necessary elements are in place
- It decreases disposal quantities. Without the hierarchy the landscape would be dotted with landfills.
- It has economic incentives for the lower items on the hierarchy to drive action
- The Bottle Bill is the best in the nation. We could apply that model to other materials in the waste steam.
- Pay-as-you-throw systems seem to be reducing disposal streams in communities in Maine that have implemented them. 130 communities in Maine have these, where you have to pay to throw away waste but not to recycle. This both decreases the waste stream and generates some revenue. Bowdoinham was noted as a municipality where waste volume was reduced from five to three tons per week and recycling rates increased substantially in response to the implementation of a pay-as-you-throw program.

WHAT ISN'T WORKING WITH THE HIERARCHY?

The group identified the areas in which they felt the hierarchy is not working, which were listed on flip charts. After all ideas had been expressed, each participant was given five sticky dots by which to indicate the areas they felt were most important on this list, in order to get a sense of which issues to focus the remaining afternoon discussion on. The numbers in parenthesis indicate the number of priority dots participants placed by each item.

1. There is no common understanding of how the hierarchy is applied (19)
2. There are too few financial resources applied to the task of applying the hierarchy and not enough matching funds for municipal programs (11)
3. No economic incentives for 3Rs (9)

4. Costs are divorced from the hierarchy (9)
5. Homeowners and municipalities need incentives or rules (9)
6. It doesn't address out-of-state waste (9)
7. 3Rs are not applied enough prior to using processes lower on the hierarchy (7)
8. How it is communicated (6)
9. The need to re-educate every generation of the public (5)
10. It doesn't address packaging or purchasing behavior (4)
11. Not being applied on the ground (especially 3Rs) (3)
12. Not applied cohesively (3)
13. The town threshold levels for incineration take priority over the hierarchy and work against efforts to increase the 3Rs (3)
14. It only considers solid waste (not amount of air pollution generated) (3)
15. Not being applied cohesively (3)
16. Need to change business and individual habits (2)
17. Its usefulness depends on the material being considered (1)
18. If Maine is opening new landfills and not meeting the 50% recycling goal, something isn't working (1)
19. Counting and comparing needs to be on a level playing field (i.e. compare the same type of materials when looking at recycling numbers across states or other entities) (1)
20. The 3Rs policy has little impact (1)
21. There is no objective way to assess outcomes of state policies and programs, and no evaluation of bond expenditures (0)
22. The hierarchical (vs. system) approach leads to unrealistic expectations such as having no landfills (0)
23. The 3Rs depend on citizen action, not municipal control (0)

After the task force members indicated the most important items (above), the facilitators did a preliminary grouping of items by common themes and identified the top 5 issues, which were then discussed in more detail by the task force. Participants were asked to identify the impacts resulting from these problems and to propose possible solutions. Their comments are noted in the table on the following two pages. Following this discussion, the participants brainstormed additional general solutions, which have been included in the table below. The prioritization tallies are shown in parentheses.

ISSUE	IMPACTS	POSSIBLE SOLUTIONS
1. **Application of the hierarchy:** There is no common understanding of how the hierarchy is applied (19). 3Rs are not applied enough prior to using processes lower on the hierarchy (7). Hierarchy isn't being applied cohesively (3). Not being applied on the ground (esp. 3Rs) (3). Its usefulness depends on the material being considered (1). Solid waste management too complicated to fit into simple hierarchy (from morning discussion). Total: 33	• Uncertainty for applicants and for regulatory agencies that are not state agencies but have to deal with the hierarchy • Can create the impression that items are mutually exclusive or in competition, which can lead to disputes during the regulatory process that facilities low on the list shouldn't be permitted (when they all need to exist).	• Articulate whether the hierarchy is guidance or a rule, i.e. is it required? • Expand hierarchy language so that it becomes a guidance purpose statement. • Create specific regulations to accompany the hierarchy. • Be clear in the statute *how* the hierarchy should be used. • Define/articulate that all items on the hierarchy are necessary and that each item has its own function and purpose (integrated system). • Hierarchy should be expanded to include education, universal waste, and the bottle bill. • Anticipate waste stream changes coming in the next decade and design policy to address anticipated needs in advance. • Leave the hierarchy as is.
2. **Economics and other drivers:** Costs are divorced from the hierarchy (9). There are no economic incentives for the 3Rs (9). The town threshold levels for incineration take priority over the hierarchy (3). Total: 21	• The cost of pollution is passed on to the public if it isn't front-loaded • Decision-making is disconnected from economics	• Replicate and/or expand successful models, such as producer take-back and stewardship of products (like are currently in place for tires, car batteries, etc.) and bottle bill. • Do a cost-benefit analysis that broadly considers present and future costs when applying the hierarchy. One-size fits all application of the hierarchy may not be a good idea. • Develop policy to tie economics with the hierarchy to help shape how people make decisions. • Reduce the toxicity of waste going to landfills and waste-to-energy plants in order to encourage economic investments. • Pay-per-bag changes behavior. • Remove the disincentives for doing the 3Rs such as waste supply thresholds (it was stated that towns could recycle themselves into a corner if they produce too little waste for their disposal facility).
3. Financial resources and program support: There are too few financial resources applied to the task of applying the hierarchy/promoting the 3Rs and not enough matching funds for municipal programs (11). Total: 11	• There has been a decrease in interest in environmental programs	• Provide more state matching funds for municipalities. • Earmark money for cleaning up the waste stream. • Determine the appropriate level of staffing, provide the requisite funding, and increase state-level staffing to that level. • Increase public awareness and remind the public that the 3Rs are important, which can then lead to the public advocating for more funding support of the 3Rs. • Use unclaimed bottle deposit funds. • Develop a toolkit for municipalities of things they can do to reduce waste, especially in rural areas. • Look more to the private sector approach (combine Issues 2 and 3).

ISSUE	IMPACTS	POSSIBLE SOLUTIONS
4. Changing public's actions: Homeowners and municipalities need incentives or rules (9). Need to change business and individual habits (2). Total: 11	• Not identified.	• The State could impose pay-as-you-throw state-wide. • Start with education and incentives before imposing any more regulations (though pay-as-you-throw statewide may be ok). • Let the State handle disposal of toxic materials it diverts from municipal solid waste streams. This would promote regionalism and efficiency.
5. Communications and Education: How it is communicated (6). The need to re-educate every generation of the public (5). Total: 11	• Not discussed.	• Not discussed as specific issue. • Increase funds available for education programs about waste disposal options (from discussion of general solutions).
6. Out-of-state waste: The hierarchy doesn't address out-of-state waste (9). Total: 9	• Landfill capacity is scarce • Trucking, road conditions, and odors	• Only approve state-owned landfills. • Define what qualifies as out-of-state waste. • Collaborate regionally with the other New England states on waste policy. • Charge a fee on all waste brought into ME, and distribute that among the municipalities (that also have to pay a fee for their waste) which will lead to a higher tipping fee and will decrease the attractiveness of bringing waste in from out of state.
7. Broader scope: It doesn't address packaging or purchasing behavior (4). It doesn't consider air pollution impacts (3). *Total: 7*	• Not discussed.	• Not discussed.
8. Organizational (from discussion of general solutions)	• NA	• Develop and implement the 5-year solid waste management plan. • Create an ongoing working or advisory group on solid waste. • Assess grants results of state money given to municipalities in the past decade, establishing benchmarks of success. • Recreate a separate state agency totally devoted to waste management, since only six people in the SPO currently provide these services to the entire state. • Ensure that when comparing recycling rates across states, comparisons are appropriate (compare systems incorporating the same types of waste).

SOLID WASTE MANAGEMENT POLICY REVIEW TASK FORCE
MEETING TWO - NOTES & SUMMARY

10:00am-4:00pm, November 1, 2005
Augusta Elks Lodge, Augusta, Maine

Task Force Members Present: John Adelman, Jeff Austin, Paula Clark, Peggy Daigle, Mark Draper, Steve Dyer, Will Everitt, Gloria Fredrick, Dawn Gallagher, Chris Hall, Victor Horton, Jerry Hughes, Sue Inches, Joseph Kazar, Fergus Lea, William Lippincott, Greg Lounder, George MacDonald, Jeff McGown, Don Meagher, Troy Moon (for Mike Bobinsky), Sam Morris, Stefan Pakulski, Peter Prata, Kevin Roche, Laura Sanborn, Ron Smalley, Barry Tibbetts, Filomena Troiano, Paul Therrien, Sarah Wojcoski,

Members of the Public Present: Matt Arnett, Marnie Bottesch, David Bragdon, Jody Harris, Cathy Lee, David Littell, Mark St. Germain, Sam Zaitlin.

Facilitators: Jeff Edelstein, Ona Ferguson.

Others in Attendance: Aimee Dolloff, Jackie Farwell.

Welcome
Sue Inches of the State Planning Office welcomed participants and reminded the group that the purpose of the task force is to share a range of perspectives on important issues to inform SPO recommendations to the legislature. This is the second of three meetings from which SPO will compile notes and make recommendations to the Natural Resources committee. Participants are welcome to contact SPO at any time about the notes from these meetings and any additional comments. Please email Sam Morris.

Participants then introduced themselves, and the facilitator reviewed the process, which included small, diverse breakout groups in both the morning and the afternoon which would be charged with going in depth on the subject of disposal capacity.

Additions and Changes to the Notes from Meeting One
Participants were asked to offer any comments or additions on the Meeting One notes.

- Page 6: While incineration has decreased waste volume, it is important to note that there is more waste coming into Maine landfills now – this is not working.
- Page 12: It should read "recyclables are considered solid waste," not "solid waste is considered a solid waste" – the point was about changing the definition of solid waste.

Additions and Changes to the Assessment Regarding Disposal Capacity
Participants were asked to give feedback on the portion of the assessment that addressed disposal capacity. They gave the following additions and changes:

- Add: concern of state vs municipal control: One participant expressed that regulation of environmental impact of solid waste facilities is disproportional to how those impacts are regulated for other land uses. For example, solid waste facilities have a review of traffic impact in which the threshold is so low that DOT considers it below the radar screen for other uses. Regarding water quality, landfills are not allowed to show any statistical change in any water quality parameters above background, yet there is no other use that has to meet that high of a standard. One participant responded that the word "reasonable" regarding impact is unusual for landfills because they will be there forever, whereas the industry that put the landfill there will be gone. Some landfill impacts (water quality and the land itself) will always be there, so regulations addressing this must be reasonable. Another participant noted that some impacts may go away after a facility is closed (like traffic), while others may not.

Regulations should look at each impact and only consider it uniquely for solid waste disposal facilities if the activity is distinct for that industry versus for other land uses. The group as a whole appeared to agree that the impact of solid waste facilities versus other land uses or facilities should be assessed on an "apples-to-apples" basis.

- Regulations for landfills are performance-based, which is appropriate.
- Regulation of solid waste facilities is one of the few things municipalities don't have control over. Local towns are not allowed to regulate solid waste more stringently than at the level of state rules; this is different than most (but not all) other issues under home rule.
- Add under bullet 3 on Facility Siting: Siting of landfills should be based on a balance between siting landfills distant from immediate neighbors, but not unreasonably distant from where the waste is generated. Increasing fuel costs (i.e., trucking costs) may play a larger role in determining landfill location in the future. Some members expressed that locating a landfill near a community can make for transparent operations due to visibility and people being aware if there is a problem, while another member expressed that the downside is that community residents are "lab rats" for health, groundwater, and environmental impacts.

Discussion of the small group policy questions

A handout listed 7 policy questions to be addressed by the breakout groups. The large group discussed the wording of policy questions 6 and 7 which originally read: 6) Is there a compelling interest for the state to help keep the eight municipal landfills operating in the state open?; and 7) Is there a compelling interest for the state to help keep the publicly-owned waste-to-energy facilities open? A participant suggested they be reworded to be more neutral, perhaps to read "should the eight municipal landfills remain open?" Another participant suggested wording it: "on what basis should the state decide whether to keep municipal landfills open?" Sue Inches stated that there is a need for clearer criteria around this. A participant noted that the only way the state could exercise control regarding municipal landfills is if the landfill isn't meeting the terms of its license. The state can't arbitrarily close a landfill because it chooses to do so. Another participant requested that the small groups address another question, numbered #8: "Should something be done about the fact that landfills are filling more quickly than anticipated?"

There was discussion about how to address capacity issues when the capacity landscape is continually changing. It was expressed that discussion of solid waste management capacity always includes some uncertainties and that at this stage the group should focus on the questions of how the state makes decisions regarding capacity, rather than attempting to fine-tune the question of how much capacity is remaining. It was suggested that the goals are for the legislators to understand the nuances and main themes of these discussions, not for the task force to come to conclusions itself. There was broad interest in the group to have more information about remaining capacity in the state and how those projections are arrived at. George MacDonald asked the group to consider if the current process for making capacity decisions is as it should be, and if the triggers are appropriate.

Breakout Groups

The task force members split into 3 groups with the membership of each group developed by the facilitators to represent a cross-section of interests. During the morning breakout groups, the participants discussed what is working and what isn't working in the different policy areas. After lunch, the participants each noted their preferences for subject area for the afternoon breakout sessions which were to look at impacts and solutions. This brought the following five issues to the forefront of the conversation:

1. Does Maine need additional capacity?
2. How do capacity decisions get made?
3. Public Benefit Determination – how does it play out over time?
4. Commercial Disposal Ban
5. Municipal Landfills, Public WTE Facilities

The summary table of topics and rankings is shown on the following page.

Information Needs

- Participants would like information on capacity projections. Where is the state getting its capacity numbers that it is reporting? What is being counted? Could a breakdown of capacity be done by subcategory of municipal solid waste, special waste, and CDD in Maine and in the New England region? SPO will provide what is currently has to participants at the next meeting and consider how its disposal capacity analysis could be refined and improved in the future.
- Could SPO please bring the new vertical expansion legislation to the next meeting?
- SPO should do an analysis to establish the capacity needed to meet state needs for the next ten years, including an analysis of the whole New England region.
- SPO should do an analysis of tipping fees in all of New England to see what the market incentives are for disposal

Public Comment

Members of the public who were present provided some degree of input to the breakout groups. During the afternoon full group discussion, members of the public were asked if they had any comments and none were offered. One person said that he had a comment on host communities and would hold that until the next task force meeting when that subject is addressed.

SELECTION OF AFTERNOON SUBJECTS (FROM MORNING THEMES)

Subject Description Italicization and letters in brackets indicate that that subject was pulled out and tagged as a subject for further inquiry in the afternoon	**Number of Sticky Dots Rec'd**
Restriction on commercial solid waste disposal facilities: not much desire to lift the ban, but some issues to address how the ban is used [D]	14
Public Benefits Determination [C]	14
• How it plays out at a site over time	4
• Has it ever led to a denial of project approval? (How important is it?)	0
• Application to vertical expansion	3
• Definition, breadth, scope	0
Increase Capacity in Landfills	6
• Difficulty of projecting capacity, rates, why rates are changing	2
• Difficulty projecting and evaluating range of economic and other impacts	1
• *Do we need additional capacity? [A]*	28
• *How do capacity decisions get made by the state? [B]*	16
Use of airspace – out of state waste and construction and demolition debris	2
• Lower tip fees in Maine attract OOS waste	3
• OOS waste lowers tip fees for Maine waste presently	5
• OOS waste may increase tip fees for Maine waste later	3
• CDD is a problem, and something must be done about it	22
Municipal landfills, public WTE facilities [E]	10
• These provide functions that the commercial sector doesn't	2
• There are concerns about municipal landfills expanding into broader (OOS) material	2
• There is not agreement on the role of the state	1
Fill rates	2
• It isn't that the rates are a problem, but predicting them is one	0
• Need to know the impact of high and low fill rates	2

PUBLIC BENEFITS DETERMINATION – SUMMARY OF FULL DAY'S DISCUSSIONS

Key points/What is Working:

- It is important to look at public need.
- It is an important tool for DEP.
- It is applied evenly.
- It examines Maine's public needs, not other states

Other points/questions:

- Does it take into consideration new technology over time?
- If there is a public need; does that justify the public expense? The impact on public finances is part of the PB determination

Public Benefits Determination		
ISSUES	IMPACTS	POSSIBLE SOLUTIONS
Structure: • Poor definition; not quantitative • It is too narrow in the scope of what is considered for public benefits and risks. • PBD should also take into consideration regional/local benefit/need as well as statewide; need to respect local concerns; need to site facilities closer to where the waste in generated • Doesn't consider hierarchy sufficiently. Applicability/implementation: • The requirement for PBD now just applies to disposal facilities • It isn't applied to vertical expansion • It may not be consistently included in the state's decision process • It creates frustration in some members of the public who perceive it as ineffective in addressing issues such as OOS waste. • Monitoring: • No ability to revisit original decision on which PB was determined (i.e. no provision for inflation or growth; presumes flat generation)	• Issues of practicality and political feasibility • Applicants may not know what to propose • Legal issues	Structure: • Make consistent and uniform in its application across facilities • Establish objective, quantifiable standards • Reserve a certain percentage of capacity for Maine-generated waste (if constitutional) • Ask if the facility serves a need identified in the state plan/horizon • Should include an economic determination • Define public benefit in the state rule • Develop a threshold standard after which PBDs have to be done • Aim to offset adverse impacts (roads, oversight, etc) statewide • Linkage between facility applicants and control over waste reduction Applicability/implementation: • Any capacity expansion should be required to submit a PBD, whether vertical or horizontal • We may also want to determine PB for processing facilities, large transfer facilities, recycling possibly. Disposal is only one part of the solid waste picture.

Sometimes predicted benefits don't come as expected.		Monitoring: • Link the PBD to the permits or DEP licenses for accountability over time (to guarantee enforceability and follow through) • If predicted benefits don't come as expected there should be an adjudicated process to determine if those responsible were negligent or if circumstances beyond their control changed. Other: • Look at how other states approach disposal facility ownership issues • Revisiting the PBD at a later time is not an issue. • It should be taken more seriously • Increasing recycling helps

BAN ON COMMERCIAL LANDFILLS - SUMMARY OF FULL DAY'S DISCUSSIONS

Key points:

- The ban has broad support, but there are questions about impacts that it may have had and will have in the future.
- It was suggested that if significant changes to the ban were to made, these should be done 5 – 10 years out because of the business decisions and investments that have been made based on the ban.
- It was suggested that even if the ban were lifted, the private sector not attempt to site a new facility because of political pressures and NIMBY
- Also questioned was whether the public sector has the resources/capability to site/build new facilities.
- The broader question was raised of how Maine will be able to site facilities in the future.

What is working:

- Helps limit OOS waste.
- Achieved original intent; restricted the development of commercial facilities; prevented proliferation of landfills.
- Maine has lots of capacity now.

Ban on Commercial Landfills		
ISSUES	IMPACTS	POSSIBLE SOLUTIONS
May have eliminated the ability of small commercial landfills from being developed (all run now by the larger operators), but this might have been the case anyway because of regs. No new <u>public</u> facilities have been built in all this time either which raises the question: does the public sector have the resources/capacity to	Relaxing the ban could result in commercial landfill owners bringing in OOS waste. The ban has limited disposal options or alternatives that commercial sector might have brought Could lead to capacity shortage in future because the state has less resources to develop facilities than the private sector.	After commitments to those who have made business decisions based on the current regulations, perhaps changes could be made. This could be considered in 5 years by the next Solid Waste Task Force There should be a clear definition of the term

site/build new facilities? Has led to the birth of the Hybrid (publicly-owned, privately-operated). This raises a host of administrative questions (i.e. who is responsible, who deals with DEP) Hasn't enabled obtaining the 50% recycling goal. Context for solid waste management is different today than in the 1980's when the ban was established. Might commercial landfills bring in efficiencies, new waste management technology, and opportunities better than municipalities?	Lack of knowledge of whether the ban has resulted in increased disposal costs. Public recycling provides revenues to municipalities.	"commercial" Change could happen, but slowly – in say 50 years from now Economic impacts of the ban should be revisited – would additional capacity lower prices? Open borders would need to be assessed regionally, as it is a very complex subject Might a hybrid model be possible where the town acts like the state, providing technical assistance on what is feasible, identifying parameters, and incorporating acceptable approaches into policy? Maybe opening competitive bidding for operators would be good There should be clarity on the state's role as the owner.

OUT OF STATE WASTE - SUMMARY OF FULL DAY'S DISCUSSIONS

Out-of-State Waste		
ISSUES	IMPACTS	POSSIBLE SOLUTIONS
• By-pass and ash from OOS waste processed in Maine takes up capacity that could be used for Maine-generated waste. There is an imbalance of import and export of waste. • We are importing too much and so getting short on capacity. • Some OOS waste classified as hazardous in the state of origin is not classified as hazardous in Maine. • OOS wastes could help offset the costs of managing waste in Maine; could be part of the solution. But OOS waste also takes up needed capacity for Maine waste.	None discussed	None discussed

MUNICIPAL LANDFILLS AND PUBLIC WASTE TO ENERGY FACILITIES - SUMMARY OF FULL DAY'S DISCUSSIONS (PAGE 1 OF 2)

What is working:

- It is capacity
- Municipal landfills increase competition.
- Some municipal landfills serve areas that would be under-served by the commercial sector.
- Different approaches serve different needs; "one size doesn't fit all".

Other:

- Assumptions in the SPO capacity analysis includes these facilities; what would be the impact of their closing?
- Are there things the state can do to extend the life of these facilities (recycling, waste reduction) (operational changes)?
- Should the state do more from a policy perspective to keep these facilities open (i.e. subsidize them?)
- From a capacity standpoint, does it make sense to continue what we're doing? Does current organization of solid waste management make sense from capacity standpoint?

Municipal Landfills and Public WTE Facilities (Page 2 of 2)		
ISSUES	IMPACTS	POSSIBLE SOLUTIONS
• Towns are losing their ability to manage landfills (staff reductions, budget cuts)	• Capacity for now seems fine. • To consider this, we need to know capacity levels	• The state should look to future capacity needs • Maintain the rules that exist, because things are working now. • Some public/private arrangements may be desirable. • Plan for the future with adequate time to establish incentives rather than punishing those who are doing business as usual • If municipal landfills start taking out of state waste and acting like commercial landfills, the state may have a role in preventing that. • Commercial activity by municipal landfills could require a Public Benefits Determination (to see where and when commercial activity might make sense). • There needs to be a fair playing field; state facility or state-subsidized facility vs a local facility • Are there things the state can do to extend the life of these facilities (recycling, waste reduction) (operational changes)? • Should the state take over municipal landfills? State-owned municipal landfills could make existing capacity available to other users. • There could be mechanisms for towns to have opportunities and

		options for saving money in solid waste disposal (this is a huge idea and would happen only when whole state was a clean slate) – it would be great if towns that recycled a higher percentage of their waste were charged less per ton in disposal fees. This would be a market incentive instead of a market barrier. • Good for the state to have a plan, and to ensure that environmental and other regulations are upheld. Otherwise, the state should leave landfills alone • There is interest for the state in municipal landfills staying open, so the state should ensure continued operation of municipal landfills as long as they are serving municipal needs • The state should ensure that WTE plants stay in operation because the create significant volume reduction, help keep our landfill capacity, because they never fill up, and because they contribute renewable power and jobs

CONSTRUCTION AND DEMOLITION DEBRIS - SUMMARY OF FULL DAY'S DISCUSSIONS

Key points:

- We have 2 dozen small, unlined, municipal CDD sites (stump dumps); should we extend their life and/or continue their use? Should this be part of the CDD infrastructure in the future?
- Constitutional issue.
- Need to re-evaluate tipping fees and the spot market.

What is working:

- It brings in money to those who get paid for it.
- Local sites are cost effective; presents an opportunity for managing CDD; as long as it does not impact water quality.
- OOS waste decreases tipping fees for in-state waste.
- Plants need waste to be energy efficient, which means they sometimes need to import CDD when they are otherwise under-capacity.

Construction and Demolition Debris		
ISSUES	IMPACTS	POSSIBLE SOLUTIONS
• Our tipping fees are too low, which is why we get other states' CDD. Towns want to know they're getting a fair disposal fee, regardless of their location or population. • OOS waste displaces room for in-state waste, which is		• Tipping fees should be consistent statewide for all communities

a concern for the future. • State of MA reuses/recycles almost 90% of CDD (includes biomass), a lot through beneficial reuse		

NEW CAPACITY AT WEST OLD TOWN AND LEWISTON - SUMMARY OF FULL DAY'S DISCUSSIONS

Key Points:

- Adding new capacity to existing facilities will be difficult politically, public sentiment
- West Old Town Landfill affects capacity and time line a great deal

What is working:

- Reduces the need for new landfills.
- Existing sites are easier to develop than greenfield sites.
- Professional operations

New Capacity at West Old Town and Lewiston		
ISSUES	IMPACTS	POSSIBLE SOLUTIONS
• State statute of generator-owned facilities does not allow a mix of wastes • Lack of clarity in statute regarding what is a public versus private facility.	• Takes pressure off of recycling efforts • Doesn't expand competition. • Could result in importation of more OOS waste. • Could reduce waste going into publicly-invested and other existing facilities. • The impacts of new capacity positive or negative are unknown. These impacts could be far-reaching beyond just the impacts on nearby existing facilities.	• Need to look at most optimal mix of wastes in future (i.e. at West Old Town Landfill); especially as it relates to recovering methane gas • Enhance beneficial reuse in Maine • Any new capacity would have to be for Maine (in-state) benefit

CAPACITY – DO WE NEED ADDITIONAL CAPACITY, HOW DO CAPACITY DECISIONS GET MADE BY THE STATE? - SUMMARY OF FULL DAY'S DISCUSSIONS (PAGE 1 OF 2)

Key Points:

- Capacity issues are different for landfills vs. incinerators; also they are different for different regions of the state depending on whether on the type of disposal options open to them (incineration vs. landfills).
- Licensed capacity is not available capacity unless it is built; the overall state capacity won't be changed by licensed capacity, only by built capacity
- Discussion of capacity is contingent on the resolution of court challenges against the West Old Town landfill.
- Task force policy discussions are best focused on how decisions relating to capacity are made rather than on determining current available capacity.

How Should Capacity Decisions Be Made? (Page 2 of 2)	
ISSUES/IMPACTS	POSSIBLE SOLUTIONS
• Increasing capacity goes against waste decrease efforts in the hierarchy, because cheaper disposal leads to decreases in recycling rates. • Is the state artificially restricting capacity to increase costs to then in turn decrease waste generation? • The decision has already been made for fewer larger sites rather than more smaller sites • Concern that OOS waste displaces capacity for in-state waste • High pricing of capacity serves as a recycling incentive • Ensure space for future need (have it in reserve) – there should be a safety net with a long-term horizon • Is the state committed to its responsibility? • There are benefits to long-term future-oriented processes in terms of fairness to citizens and public expectations. • If we add or remove capacity, we upset the stable framework that we know today. • There is some security knowing there's a safety net of additional capacity should it be needed. • Capacity issues include: economic impact, its effect on tipping fees, its effect on existing disposal facilities, the need for capacity, should it be licensed, and do we need it. • Types of capacity: licensed, planned, necessary, discretionary, regional (within Maine), capacity needs, recycling (Jody) • How do you estimate how much time is needed to develop capacity and what's the basis for that decision?	• Information should come from all facilities in their annual reports to DEP (or calls to each facility) • Capacity numbers should be Maine-specific, or at least distinguish between in-state and OOS waste • Should these be based on lowest cost for greatest number of people? • Should be based on Maine-generated waste in terms of both volume and ton • Should be based on *needed*, not *discretionary* capacity (this distinction should be made) • Should consider the stability of existing facilities • Should include an assessment of fill rates • It needs to consider more than four years out • It needs to identify available licensed capacity • Consider "reduce, reuse, recycle" first to meet capacity needs • Make recycling mandatory now • Should there be an economic trigger for creating additional capacity? • Maintain a diversity of options • Should there be ways besides the Public Benefits Determination to limit capacity? • Plan as if there could be a huge natural disaster (what would Maine do with the waste?) • Do we need another Carpenter Ridge? • Excess capacity on the ground isn't necessary, but it is important to have it in reserve. • Need to plan for recycling as well as disposal capacity. • Physical and fiscal need is the test for determining whether we need additional capacity • Need longer lead time in developing future sites. What is the appropriate length of time? Maybe have a planning horizon of 100 years? • Create a state inventory of suitable sites • Could an entity other than the state be responsible for long-term planning and management of waste (municipal, state, or private)? • Increased recycling and increased disposal bans • We don't want an over-supply of capacity (because this will invite in OOS waste, lead to unnecessary financial and environmental costs, and lead to NIMBY) • Address regional needs

RATE OF USE OF DISPOSAL CAPACITY - SUMMARY OF FULL DAY'S DISCUSSIONS

Key points:

- We count on sparse population and technology, and so don't worry much about capacity
- 5 years of existing landfill capacity left (not including West Old Town Landfill for which there is a pending legal challenge)
- A great deal of incinerator capacity remaining (in years). Incinerator operators told us last time that each facility has nearly and unlimited life; if investments and upgrades are made as needed
- There is at least a 10-year lead time for identifying, permitting, licensing, and building a new landfill.
- Would need 2 construction seasons to get Carpenter Ridge Operational
- Who has access to future landfill capacity?

What is working:

- The cost of trucking decreases use of capacity, which is in alignment.

Rate of Use of Disposal Capacity	
ISSUES	POSSIBLE SOLUTIONS
• Facilities are using capacity faster than they projected in their license applications. • 4-year trigger may not be sufficient (SPO is required to notify the Legislature at the point when the state has 4 years of remaining landfill capacity. At this point the Legislature would consider whether to direct SPO to proceed with building Carpenter Ridge). • OOS waste is an unknown variable that makes it exceedingly difficult to plan for future needs (especially time estimates) • OOS waste leads to a decrease in the capacity for Maine waste • MSW increases 5-8% (tons) every two years. What are the reasons for the growth; why are we using more capacity than anticipated? • Individual financial needs of particular facilities leads them to seek OOS waste, which then decreases capacity. (note: this is an issue for just one landfill that is filling faster than anticipated) • The challenge is that Maine is caught between social and market-based systems.	• Need an analysis/study of this question. • Also forecast the impact of wood waste that will result from the GP contract (West Old Town Landfill) • Assess fees as way to slow disposal growth. • Have as a goal to decrease the panic around capacity by planning better • If one town recycles at a higher rate than another, should it get cheaper disposal rates (so towns generating a higher percentage of waste get charged more) – this would align incentives. • Reimburse households for high municipal recycling rates – maybe give a "recycling exemption" in property taxes by giving some financial reward to the town.

<u>Facility siting - Solutions:</u>

There should be a state plan on siting WTEs, and maybe incinerators should be sited near landfills in the future (it might be too late for this now)

<u>Other Issues - Solutions:</u>

Towns could create aggregated contracts with other towns and landfills to get better prices per ton. Right now there is no incentive to reduce volume of waste in disposal fees. There is, however, an incentive to reduce volume of waste because of decreased trucking costs and avoided disposal costs.

SOLID WASTE MANAGEMENT POLICY REVIEW TASK FORCE
MEETING THREE - NOTES & SUMMARY

9:30am-4:30 pm, December 6, 2005
Augusta Elks Lodge, Augusta, Maine

Task Force Members Present: John Adelman, Jeff Austin, Paula Clark, Peggy Daigle, Steve Dyer, Gloria Fredrick, Chris Hall, Victor Horton, Jerry Hughes, Sue Inches, Joseph Kazar, Fergus Lea, Lee Leiner, William Lippincott, Greg Lounder, George MacDonald, Jeff McGown, Don Meagher, Troy Moon (for Mike Bobinsky), Sam Morris, Stefan Pakulski, Peter Prata, Melissa Labbe (for Kevin Roche), Laura Sanborn, Ron Smalley, Filomena Troiano, Paul Therrien, Sarah Wojcoski.

Members of the Public Present: Matt Arnett, Marnie Bottesch, Jody Harris, Lesley Jones, David Littell, Mark St. Germain, Sylvia St. Pierre, Craig Worth, Sam Zaitlin.

Facilitators: Jeff Edelstein, Ona Ferguson.

Welcome
Sue Inches of the State Planning Office welcomed all participants and told the group that the SPO would be planning one final shorter meeting of the task force later in the winter to review SPO findings from the group's work and SPO's recommendations to the Natural Resources Committee.

The task force spent most of the day in 3 concurrent breakout groups addressing the following range of issues:

- Host communities
- Local communities
- Abutters
- Host agreement negotiation process
- Managing waste:
    - Construction and Demolition Debris
    - Material Bans
    - Beneficial Reuse
    - Recycling
- Public Education
- Regional Approaches
- Other

HOST COMMUNITIES

Key themes:

- Some feel that host communities would benefit from more specificity in statute and a broader list of impacts, while others feel that having flexibility is of benefit to the host communities.
- Having a framework that guides the process, but allows for flexibility, could have some benefit.

HOST COMMUNITIES	
Issues	**Solutions**
Agreement terms: • Current compensation deals are based too much on landfills' goodwill rather than on quantifiable details of each landfill.	Agreement terms: • The state statute should lay out parameters for reasonable amounts that will be the baseline for the content of a negotiation, for example: if the facility is X

• What in particular is the compensation for? • There is benefit to keeping the negotiations flexible. • Host communities often want to be recognized for bearing the burden for the region; they want other users to help with the costs of the impacts • Current minimum required benefits are too low. • There needs to be state-level guidance on local communities' negotiations that aren't based on "soft" terms like "good faith," rather it should give some indication of what might be appropriate baselines or formulas. • State-owned facilities create a different dynamic for host communities than commercial facilities, in that the state both owns the facility and enforces regulations on the facility.	size, and will take in Y tons, the negotiation should begin at the $Z level of compensation. • For statutorily defined compensation, the amount of compensation should to be quantifiably related to the impact, like an impact fee that municipalities can assess. (Concern expressed: One size does not fit all; each municipality is different). • Statute should provide more specifics and should include a broader range of impacts to be considered, including costs for review of expansions, inspections, monitoring and similar ongoing expenses. • Add to the list of impacts by surveying current host communities, and expand the list of impacts (fire department, roads, schools, visual changes, environmental impact, emergency preparedness requirements, administrative costs like code enforcement, or revenues to be used at their own discretion). • Host community benefit requirements should be same regardless of type of owner, i.e., commercial vs. state or municipality. • For publicly-owned facilities, payment in lieu of taxes should be required. • Host community agreements should include provisions for dispute resolution.
• Should towns be required to use the compensation to make the improvements needed to address the impacts (currently, towns can use the money for whatever they want)?	Some felt that towns should be required to do such while others felt the town should decide (by elected officials).
• Can host community benefits be used to address the impact of local environmental issues? • Can communities prohibit certain types of waste (i.e. particularly offensive wastes)?	
• What about host benefits for recycling processing centers?	

LOCAL (OTHER) COMMUNITIES

Issues	**Solutions**
• Need to rethink what is the "impacted" community; impacts go beyond the host community • It is a challenge to determine which communities count and should be included. • Economics must be considered (the facility probably can't be required to pay every community or running a facility may not be economically feasible).	• Statute and or rules should articulate how to decide which communities to include. Clarify, for example, if towns on the haul route get included or not, or towns on the entrance route, or abutting towns. • Conduct an environmental impact study to identify the range and extend of impacts, or create guidelines/limitations to extent of study (concern that traffic impacts, for example, for West Old Town, range as far as Augusta), or implement a stratified impact fee; the further the distance from the facility, the less the amount of benefits paid. • Ask current local communities what uncompensated impacts they feel, then the state can frame new legislation to address those issues in the future

ABUTTERS

Issues	Solutions
• There needs to be recognition of impacts to abutters; especially to people who already live in the area where the facility is to be sited (vs. those who move in after the facility is already there). • Concern that some municipalities disregard abutters when negotiating host benefits. • Need better education of residents/abutters.	• Abutters should be compensated. • Abutters should have a say in the negotiation of the host benefit. • This should be the decision of municipality (whether to compensate abutters). • Statute should either require that the developer/facility owner negotiate with abutters or should require the town to include abutters in their negotiation process. • In list of provisions in host community agreements, 38 MRSA §1310-N(9)B., could add "Neighborhood benefits" as 5th item. Concerns expressed: • Concerns about adding requirements to what a town must do. • What about abutters located in an adjacent municipality? Where do you draw the line for abutters (how far from the facility)?

NEGOTIATION PROCESS

Issues	Solutions
• In Hamden, there is unequal negotiation because the community cannot say "no." • It seems wrong that municipalities are not allowed to have stricter standards than the state. • The current statute requires reimbursement to communities for the actual cost of impacts, but this is not easy to quantify. • Local preemption such as this is rare. Can a municipality negotiate with the facility for stricter standards than permitted by state law? • Who is the owner under the hybrid model (i.e. state-owned, privately-operated); who is accountable for the maintenance of the agreement?	• It should be required that an agreement is reached prior to issuance of the license (which should then be released in a timely fashion). • In the case of a stalemate, the negotiations should be put to mediation or arbitration. • As part of the negotiation process research should be done on host community benefits in other situations. • The host community should be provided with an independent negotiator so that it can participate "on par" with the developer. The negotiator should be provided by/paid for by the state. • Host community reimbursement for negotiating expenses should be increased beyond the current $50K, which is insufficient. • New hosts should develop a list of potential impacts and a proposal to bring to the negotiation. • An independent technical review process, in which the town and the landfill jointly select the reviewers, should be done after the DEP review. • There should be a process to revisit host benefits for expansions. • Definition of "commercial facility" should be re-examined as to whether it applies to publicly-owned/commercially-operated facilities.

ADDITIONAL COMMENTS

- As these facilities provide disposal options for people around the state, the state and facility developers need to compensate those closest to the facility that bear the brunt of the operation's impact to the benefit of the many.
- Policy needs to be clear about addressing public health issues, or perhaps the issue is enforcement of these standards.

- Is the state looking at what is the best place for disposal for these types of wastes (i.e. sludge)? Are we doing anything to reduce the generation/odor at the source? Technology is available to do this; it is feasible (treat sludge at the source to reduce odors)

CONSTRUCTION AND DEMOLITION DEBRIS

Issues	**Solutions**
There are no goals for the state or municipalities to move towards on this issue.	The state should establish a goal/rate for beneficial reuse of CDD and keeping it out of landfills (for wood, carpet, tiles, etc). This could be a challenge for landfills that don't separate CDD from MSW and couldn't quantify it.
Construction debris and demolition debris are different (processes, separation, contamination levels, etc), which isn't a problem now, but could be if recycling starts to be mandated.	If recycling is mandated, state policy should differentiate between construction and demolition debris, and treat them as two distinct subjects.
Information on where residents should take their CDD isn't reaching them.	Do better outreach and education.
EPA does not treat CDD as part of MSW for purposes of definitions, data tracking. We should use their model.	CDD needs to be redefined.
Incineration of CDD does not count towards recycling credit; other reuse does.	Reuse of CDD should be more creditable toward recycling.
Current "encouragements" to reuse/recycle this material include recycling credits for municipalities, public education, and lower costs to municipalities.	There should be stronger financial incentives to encourage reuse/recycling. This is the only type of incentive that works.
The 1998 State Waste Management Plan said the state needs to help create markets for this material. Has it done this? Is it working?	We need an analysis of what we're doing and whether it works.
Public has lack of trust that materials are clean or being managed properly	Need more communication, open-book policies. Definition of CDD in statute should be revised to indicate "no putrescible waste" and "no mixed loads".
General comments: • Reuse of CDD is good – decreases disposal needs, also brings revenue into the state. • It is a challenge to consider all the environmental and economic costs and benefits simultaneously to do a good reckoning of what is best. • Concern that large amounts of airspace at West Old Town will be used for the residual fraction of CDD. • Currently, acceptance of CDD is revenue-neutral for municipalities, who would not want to see costs increase. • Cost of labor for separating CDD can be high. • Needs to be affordable. • Only mechanism to control Out of State CDD is through fees.	

MATERIAL BANS

Issues	**Solutions**
The cost of material bans affects operational and personnel costs for municipalities.	Money from solid waste fees could go to municipalities. Regional facilities could reduce costs.
Yearly disposal opportunities are inadequate for the disposal of waste that people generate every day. This is a service problem.	HHW should be collected more than once a year.
Education of citizens is a huge challenge.	There needs to be public education on why materials are banned, and a push to encourage consumers to buy environmentally friendly products. Need to make it easier for homeowners to drop off products.

What is the state's overarching policy?	There needs to be clarity on how the state determines what materials are banned and how municipalities can anticipate the next material to be banned in order to prepare.
Universal waste rules for collection are overly restrictive and do not encourage these types of collection facilities.	State rules should encourage consolidated collection facilities.
Afraid of the trend of additional material banned every year. Municipalities cannot treat these materials as MSW, but are required to manage it. There is a split between authority/responsibility.	The State should take over the responsibility for managing banned materials. There is no cost to the state with the current system of simply banning materials from disposal. Is the state policy (of removing materials from being disposed) important enough for the state to pay for it?
Materials in the bans *were* considered and chosen carefully (for example, mercury content determines many of the universal wastes). The process on determining these materials was good.	
Regarding the statement in the assessment report that "Administrative costs to handle universal wastes are high – determining manufacturer, serial numbers, etc." this has been addressed, as administrative costs to municipalities have been considered in the policy.	
This isn't an unfunded mandate, because household hazardous waste programs are voluntary by municipalities (yet it is hard for municipalities to "just say no" for a variety of reasons).	
Mercury is still going into the waste stream, even though the policy is good.	
There are local/administrative problems with implementation of the policy.	
The general trend is toward increased recycling and attention to these issues, which is good.	
Material bans are "feel-good" approaches; they are not good public policy.	
Fees on products drive illicit disposal	

BENEFICIAL REUSE OF WASTE

Issues	**Solutions**
There is a significant lack of political will that has hindered beneficial reuse policies	The Governor and other major political players such as the head of the DEP should be promoting beneficial reuse through speeches and other outreach efforts.
Reuse is in the hierarchy, but it isn't seen or supported as much as recycling is.	• State needs to take more leadership. • Provide tax credit to contractors for beneficial use of CDD. • Provide incentive for certain % of CDD on projects to be beneficially reused. • Ensure that any incentives or other policies don't create "sham" programs that result in future clean-up stockpiles.
Too few markets for reused waste materials.	Agencies like DOT should buy products to create markets.
The State's beneficial reuse rules prevent the beneficial reuse of materials ➢ Current rules prohibit it ➢ Proposed rules provide a small window, but essentially prohibit it ➢ Concern about pollutants ➢ Concern by municipalities that they cannot meet the standards in the proposed rules ➢ Even if they burned clean wood chips from trees; could not meet the standards in the proposed rules ➢ Technology can handle this material and meet healthy standards	At the state level, need to work out a balance between encouraging beneficial reuse on the one hand (i.e. policy); and preventing it on the other hand (i.e. regulation).
Facility owners may not know the licensing requirements for	

BR for a range of products.	
Risk levels play a big part in BR decisions – what is technically and socially acceptable? This is a political challenge.	
Out of state waste is an issue in BR.	

RECYCLING

The following items were proposed by task force members in addition to the list that was handed out which compiled items from previous meetings:

Specific Methods:

- Require upfront deposits on more items (bottle bill model)
- Provide funding and/or technical support to initiate new programs – the funding acts as a catalyst for action and can then become self-sustaining.
- Provide incentives for businesses to recycle (like letting small businesses participate in residential curb-side pick up or business recognition programs)
- Keep seeking new sorting technology, perhaps by developing an R&D program to develop such technologies.
- Need more powerful market incentives to drive recycling
- Recycle Bank in Philadelphia is a new model. In Philadelphia, the rate of recycling jumped hugely when the Recycle Bank was established. In this program, there is curbside weighing of recycling, and households get credits or coupons based on the amount they recycle. It uses new technology to post individual credits online. This is an incentives program. They also have a pay-as-you-throw program. It may be starting in Maine in the next few years through Casella (recyclebank.com).
- Deposit fees could provide an incentive for separation and reuse/recycling. Where impose fee? Most programs currently impose it on the generator. Could provide benefits/credits to generator; look at programs like LEED.

Disposal Facilities:

- Concern: If you recycle more and your town waste goes to a regional landfill, your town may not be preserving airspace if it then gets used for other communities' or states' waste.
- Does increasing recycling necessarily mean increased out of state waste?

Education

- SPO/DEP/extension programs should educate the public – some believe they'll have to deal with EPA and have difficulty licensing composting systems.

Mandatory Recycling

- The state should encourage towns to adopt mandatory recycling (through incentives, grants, education).
- There should be state-mandated recycling (recognize constitutional issue).

Technical Assistance

- Connect individuals to opportunities to make money from recycling. Can the state help connect individuals with these markets?

Questions

- Concern: If recycling costs more and we have sufficient disposal capacity, then we shouldn't be promoting more recycling.

- Maine has the highest recycling rate in the nation. Yet we keep saying we're not doing well with recycling. We need an accurate presentation of how well we are doing.
- If recycling is more costly, how do you get over that barrier?

Other

- To increase recycling, residential participation which are typically 25% without incentives must increase. Possible techniques include education, incentives, and making recycling easier (single stream, which would require a single stream processing facility)
- Maine should set priorities for use of limited funds and select the highest impact areas for environmental improvement. Would we be better off investing in managing CDD or universal waste? A state financial goal would help focus investment and town actions.
- Consistency in public policy and a fair regulatory structure impacts long-term private capital investment in waste management facilities more than anything else. Maine needs a long-term regulatory process, rather than its current shot-gun approach.
- Do we let markets determine where investment should be made?
- How can we set state-level priorities relevant to different regions with different needs?
- Encourage "free sheds" at transfer stations and landfills.
- Ensure that Maine's measurements of recycling rates are compared to same materials as other states ("apples-to-apples").

A straw poll was done to identify the highest priority recycling solutions, by giving all task force members 4 sticky dots to place on the recycling approaches they want to see emphasized. Recycling solutions straw poll results:

22	Composting – food waste
20	Increase public education
11	Single Stream
11	Producer take-back
10	Pay as you throw
8	Apartment dwellers
6	Business
6	Provide more technical assistance
3	Recycling bank (weigh recycling at curb-side and give $ or other credits to households)
2	Free sheds
1	Lower tip fees for higher recycling
0	Remove disincentives such as waste supply thresholds

PUBLIC EDUCATION

Issues	**Solutions**
Need more/consistent education, because it determines the success of household recycling, material bans, etc.	Create incentives for municipalities to run education campaigns.
There is enough information available.	There needs to be social marketing to encourage people to behave differently.
Some people still don't know what they should be doing	In these cases, there is still a need for information distribution.
Many messages about solid waste are distributed from divergent sources. A statewide campaign would be powerful.	Perhaps there should be a few coordinated, state-wide uniform message (that are distributed at the state, regional and local levels).
DEP/SPO and others are already spending lots of money and resources on education, and the DEP website has great resources	Local impacts need to be articulated for people to care about their impact.
	Consider targeting four different audiences about solid waste issues: facility operators/businesses, municipalities, schools/children, and the general public
The trainings offered for facilities operators are great. It makes a big difference to have professionals at transfer stations who can answer *what* should be done and *why*. 42% of the public get their information from the station attendant.	Continue to offer these trainings.
The general public doesn't understand the impact of solid waste disposal and the environment, as well as the impact of individual choices. It is important to inform people of the "true" cost of their choices.	SPO/DEP could work with the Department of Education to put environmental issues into the Maine Learning Results Standards. This is a huge opportunity. Show lifecycle assessments.
Sometimes it is hard to get media coverage.	Help prepare good visuals and stories for the media, make things exciting/important.
People don't always listen to experts.	Find local people who can be passionate advocates and do outreach
Sometimes people don't know how to help.	Create a website or newsletter with volunteer opportunities highlighted. Newsletters must have interesting information for people to get in the habit of reading them.
People sometimes forget what they know about recycling etc.	Educational efforts need to be ongoing.
Current education programs are disjointed.	Develop state-level priorities, with roles for each level of government regarding individual recycling and other subjects
There is a lack of materials on TV about solid waste issues.	State agencies could make programming that municipalities could show on local access TV.
	Team up with school service learning programs (which have money) to raise awareness about recycling, universal waste.
Public doesn't understand they need solid waste infrastructure.	Public needs to understand that solid waste infrastructure is necessary and unavoidable.
Some people don't use the web.	Use diverse media in outreach campaigns.
We have many messages.	Focus on priorities in choosing message, which can be powerful.
People don't compost enough.	Remember composting in education campaigns because it is easy for homeowners to do, could help mass burn incinerators, and it creates a product.

Suggested public education messages:

- Recycling – what materials can be recycled.
- Locations of regional HHW sites.
- Material bans – reasons for the bans.

- Composting – what it does and where to get backyard composters.

Suggested deliverers of messages:

- State
- Universities/Cooperative Extension

Funding sources for public education:

- Fund public education from tip fees.

REGIONAL APPROACHES AND PARTNERSHIPS

Issues	**Solutions**
Regional approaches may not always be the right solution	Need to do cost analyses before implementing projects.
Organizations and facilities are currently doing successful regional disposal and other efforts. Towns are more willing to work together now than ever before.	
There could be more regional recycling efforts	Create more regional recycling projects
Regional organizations are joining one another and growing, and the market incentives are already there due to cost reductions that occur when merging	
Solid waste management regions have worked well, and most successful household hazardous waste programs are regional.	
SPO currently favors regional applications for infrastructure grants over municipal ones	
Towns sometimes have difficulty working together. Host communities need protection from financial liability.	A neutral/third party could help towns in their efforts to collaborate.
	The state should encourage communities to work together (incentives, grants, education). Recapture regional efficiency grants.
It is unclear how to define a region; if many towns contract with a private contractor on solid waste, that is a region. Usually many haulers serve many towns	
Universal waste collection is ripe for regionalization.	

Other Issues

- Responses to the comments that were on the document: Bullet 1 – true, but states may treat it in similar ways, bullet 2 – inaccurate, bullet 3 – there are continual SPO improvements (back racking, verifying data from multiple sources, catching errors in municipal reports).
- Regarding item in assessment report that states: "Overweight trucks are having a negative impact on Maine roads and are causing the state to lose fuel tax revenues." - this is true for all trucks, not just solid waste trucks.
- Solid waste facilities can play a role in helping with this problem (example given of one facility which imposes "penalties" on overweight trucks, by requiring them to wait before tipping and other measures).
- State police should review landfill records and wait outside facilities.
- Regarding item in assessment report that states "Waste-hauling trucks should not be exempt from air emission standards." – is not accurate.
- There needs to be more guidance on MDW reports to SPO; we forget from year-to-year where we get our data and how we tabulate it.
- Concern about future tracking and paperwork.
- For public benefit determination; state should look more favorably on facilities that commit to reduce nuisances

Final comments on the task force's process and content:

- A group of stakeholders should be convened more frequently to make recommendations.
- The general public may not understand the complexities of solid waste policy, so messages on this subject must be clear and concise.
- This diverse group worked well together.
- It would be nice to have an opportunity to see if the task force might have been able to come to consensus on some issues.
- The breakout groups worked well.
- The process allowed for an overview/broad-brush approach, but some issues need more time in order for the task force to be able to address their complexities.

Concluding Remarks

Members of the task force were asked to offer words of direction or encouragement or direction to SPO as SPO prepares the draft report, to share their final thoughts or the number one issue they want to convey. Sue Inches thanked all present for their hard work and for the many hours they spent on this project.

Next Steps

The State Planning Office will develop a document that lists the findings of this task force as well as recommendations for the Natural Resources Committee. A final meeting of this task force will be convened during the winter to give feedback on the findings and recommendations prior to their submission to the Committee.

Appendix F. Letter to Natural Resources Committee

September 28, 2005

Senator Scott W. Cowger, Chair
Representative Ted S. Koffman, Chair
Members of the Natural Resources Committee

RE: Solid Waste Management Policy Review Task Force - Update

As I described to you at your meeting on September 22, 2005, the State Planning Office has begun the process to review the state's solid waste management policy and has established a Task Force to complete that review. The first meeting was held yesterday, was well attended and good discussion was had.

Enclosed please find:

1) copy of the first meeting's agenda
2) copy of the memo that provides an overview of policy and programs in place
3) an assessment report completed by the facilitator for the Task Force, based upon interviews with the Task Force members, and
4) a copy of the membership list of the Task Force.

As the Task Force continues its work, information will be posted to the SPO web site, http://www.state.me.us/spo/recycle/policy/ and comments may be submitted through this web page as well.

We look forward to completing the review and presenting our report to you next year. If you have questions on this, please do not hesitate to contact me.

Cordially,

Susan B. Inches
Deputy Director

Enclosures